

RALPH W. BAKER, JR

*Plaintiff*

By: Ralph W. Baker, Jr.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X Case No. RALPH W. BAKER, JR,

Plaintiff,

**COMPLAINT**  
JURY TRIAL  
DEMANDED

-against-

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Defendants.

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Plaintiff Ralph W. Baker, Jr. as and for his Complaint against defendants TA-NEHISI COATES, and BCP LITERARY, INC., and THE ATLANTIC, and LAURENE POWELL JOBS, and DAVID G. BRADLEY, and BERTELSMANN SE & Co. KGaA, and SPIEGEL & GRAU, and CHRIS JACKSON, and NICOLE COUNTS, and VICTORY MATSUI, and KENYATTA MATTHEWS, and THE APOLLO THEATER, and MACEO-LYN, and KAMILAH FORBES, and, SUSAN KELECHI WATSON, and WARNER BROS. DISCOVERY, INC. and MS. OPRAH WINFREY, and THE WALT DISNEY COMPANY, and APPLE, INC., and, PLAN-B, and MGM STUDIOS, and RYAN COOGLER, and JOE ROBERT COLE, and ROXNE GAY, and YONA HARVEY, alleges as follows:

**PRELIMINARY STATEMENT**

Pursuant to 17 U.S. Code § 501 – Infringement of copyright states anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106 through 122 or imports copies into the United States in violation of section 602 is an infringer of copyright or right of the author.

1. This is an action for inter alia, Ta-Nehisi Coates' willful copyright infringement in Coates' books, articles, and movies including but not limited to, *Between the World and Me*, *We Were Eight Years in Power: An American Tragedy* ("We Were Eight Years In Power"), *The Water Dancer: A Novel* ("The Water Dancer"), *Black Panther* comic book series, *Captain America* comic book series, *Black Panther* movie, and every article Coates has written for *The*

*Atlantic* since 2014, including “The Case For Reparations,” and “The Black Family In The Age Of Mass Incarceration.”

2. Without authorization, Coates copied portions of Ralph W. Baker, Jr.’s

*Shock Exchange: How Inner-City Kids From Brooklyn Predicted the Great Recession and the Pain Ahead* (“Shock Exchange”).

3. Plaintiff alleges that the course of nearly a decade, Coates deconstructed *Shock Exchange*. He copied numerous passages, changed the words around (yet keeping the same expression), and moved the passages out of sequence in order to avoid detection.

4. Coates also attempted to mimic Plaintiff’s dense, rhythmic prose – “Shock Exchange rhythmic prose and tedious talk.” Coates’ actions represent copyright infringement.

5. *Shock Exchange* was investigated and written by Plaintiff Ralph W. Baker, Jr. Plaintiff understands Coates attended Howard University and left after five years to pursue a career in journalism.

6. Plaintiff understands that from 2000 to 2007 Coates worked as a journalist for various newspapers like *The Washington City Paper*, *The Philadelphia Weekly* and *The Village Voice*. He was hired at *The Atlantic* initially as a blogger.

7. *Shock Exchange* was published electronically in August 2012. A print version was completed November 2012. *Shock Exchange* was reviewed by *Library Journal* in 2013 – only the second time in history a self-published book was reviewed by a major book reviewer.

8. In the second half of 2013 Mr. Baker sent a copy of *Shock Exchange* and a review from *Library Journal* to several journalists, including someone named “Ta-Nehisi Coates” at *The Atlantic*. At the time, Coates had written *The Beautiful Struggle* (2009), published by Spiegel & Grau.

9. Mr. Baker never heard back from Coates, but apparently, he liked it ... a whole lot. After hearing all the hype about Coates' first novel, *The Water Dancer*, in September 2019 Mr. Baker purchased a copy. Mr. Baker immediately noticed Coates had attempted to mimic his dense, rhythmic prose – Shock Exchange rhythmic prose and tedious talk.

10. Without authorization, Coates also copied portions of *Shock Exchange*.

11. Plaintiff began a painstaking investigation into Coates and his previous writings. Due diligence revealed Coates' plunder began long before *The Water Dancer*.

12. Plaintiff alleges Coates plagiarized numerous articles in *The Atlantic*, beginning as early as 2014 with "The Case For Reparations."

13. Plaintiff alleges Coates plagiarized *Between the World and Me* (2015), which won the National Book Award, *We Were Eight Years In Power* (2017) and *The Water Dancer* (2019). Plaintiff alleges Coates attempted to write these books in Plaintiff's voice and replicate Plaintiff's dense, rhythmic prose.

14. Plaintiff alleges Coates deconstructed *Shock Exchange*, copied numerous passages, moved the passages out of sequence and called it *The Water Dancer*, *We Were Eight Years In Power*, and *Between the World and Me*.

15. Plaintiff alleges Coates attempted to mimic *Shock Exchange* rhythmic prose and tedious talk for his articles and books, including comic books, *Black Panther* and *Captain America*.

16. Plaintiff alleges the dialogue for the movie, *Black Panther*, was also copied from *Shock Exchange*.

17. Plaintiff alleges that over the course of nearly decade Coates copied a substantial portion of *Shock Exchange*, and meticulously, methodically tried to mask the piracy.

18. Penguin Random House, owned by Bertelsmann SE & Co. KGaA, published *The Water Dancer* and *We Were Eight Years In Power*, and Spiegel & Grau, which published *Between the World and Me*, have been publicly silent. They continue to profit from sales of these books and have not denounced Coates for his theft.

19. The Walt Disney Company, which produced *The Black Panther* movie, has been publicly silent. The Walt Disney Company continues to profit from sales of the movie and has not denounced Coates or the movie's screenwriters – Ryan Coogler and Joe Robert Cole – for their theft.

20. Marvel Comics, owned by The Walt Disney Company, publishes the *Black Panther* comic book series and the *Captain America* comic book series. It has been publicly silent. The Walt Disney Company continues to profit from sales of the comic books and has not denounced Coates (or others) despite the fact they were copied from *Shock Exchange*.

21. *The Atlantic*, which published numerous articles plagiarized by Coates, has been publicly silent. *The Atlantic* and its co-owners, David G. Bradley and Laurene Powell Jobs, continue to profit from sales of articles and books related to Coates. They have not denounced Coates despite the fact such articles and books were copied from *Shock Exchange*.

22. The Apollo Theater created a theatrical adaptation of *Between the World and Me* at the Apollo Theater, the Kennedy Center and Atlanta Symphony Hall. The Apollo Theater continues to profit from promoting events involving Coates. The Apollo Theater has been publicly silent. Plaintiff understands Coates works as a writer-in-residence at The Apollo Theater. It has not denounced Coates despite the fact the book was copied from *Shock Exchange*.

23. Home Box Office, owned by Warner Bros. Discovery, produced a theatrical production of *Between the World and Me*. Warner Bros. Discovery continues to profit from broadcasting the

theatrical production. It has been publicly silent. Warner Bros. Discovery has not denounced Coates despite the fact the book was copied from *Shock Exchange*.

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**PARTIES**

24. Ta-Nehisi Coates (“Coates” or “defendant”) is a journalist and faculty member at the College of Arts and Sciences at Howard University, artist-in-residence at the Apollo Theater and comic book writer for Marvel Comics. Plaintiff understands defendant owns the copyright for *Between the World and Me*.

25. Upon information and belief, Coates resides in Brooklyn, New York.

26. BCP Literary, Inc. (“BCP”) owns the copyright for *The Water Dancer, We Were Eight Years In Power* and is party to the recorded document for *Between the World and Me*.

27. Upon information and belief, BCP owns the trademark to the “TA-NEHISI COATES” name, which is designed to engage in entertainment services and the presentation of literary and visual arts.

28. Spiegel & Grau is the publisher of *Between the World and Me*. Celina Spiegel and Julie Grau founded Spiegel & Grau. It was originally a publishing imprint of Penguin Random House.

29. At all relevant times, Spiegel & Grau published, sold and marketed *Between the World and Me*. Spiegel & Grau published, sold and marketed *Between the World and Me* internationally.

30. Spiegel & Grau sold and marketed *Between the World and Me* nationally. *Between the World and Me* has been sold in bookstores throughout the country.

31. Penguin Random House (“Random House”) announced in 2019 that Spiegel & Grau would be shut down. Plaintiff understands that in 2020 Celina Spiegel and Julie Grau resurrected Spiegel & Grau as an independent publishing house.

32. Random House has over 300 imprints spanning six continents. Based on revenue, it is the world’s largest trade book publisher. Through its One World imprint, Random House at all relevant times, sold and marketed *We Were Eight Years In Power*, and *The Water Dancer*.

33. Bertelsmann SE & Co. KGaA (“Bertelsmann”) is a leading “media, services and education company” with operations in about 50 countries. Its operations include the entertainment group RTL Group, Random House, the music group BMG, the service provider Arvato, printing, education and investment services.

34. Plaintiff understands Bertelsmann owns Random House outright. In 2019 it acquired the 25 percent stake it did not own from its Pearson plc for \$675 million, implying 100 percent of Random House was worth around \$2.7 billion.

35. In 2021 Bertelsmann generated revenue of EUR18.7 billion or \$22.2 billion (assumes average exchange rate of 1 EUR = 1.183 USD). Per Bertelsmann’s 2021 annual report, Random House generated 2021 revenue of EUR4.03 billion (\$4.8 billion) or about 22% of total revenue. Random House was the company’s second-largest division.

36. *The Atlantic* is an American magazine with a heavy online presence. It was founded in 1857 as *The Atlantic Monthly*, a cultural and literary magazine. After experiencing financial hardship, the magazine was purchased by David Bradley in 1999 from Mortimer Zuckerman. In 2017 Bradley sold a majority stake in the online magazine to Emerson collective for an undisclosed price.

37. Plaintiff understands defendant joined *The Atlantic* as a blogger in 2008.

Defendant's article, *The Case For Reparations*, which Plaintiff alleges was plagiarized from *Shock Exchange*, was published in 2014. Defendant rose to become senior editor at *The Atlantic* where his blog grew in popularity. He blogged about politics, race, culture, sports, history, and Black culture.

38. Defendant departed *The Atlantic* in 2018. Plaintiff alleges that from 2014 to 2018 numerous articles of his were plagiarized from *Shock Exchange*.

39. Emerson Collective Corporation ("Emerson Collective") works with entrepreneurs, policy makers, activists, et al., to promote justice in the fields of educations, healthcare, and the environment, among other things. Emerson Collective was founded by billionaire businesswoman Laureen Powell Jobs, widow of former Apple CEO Steve Jobs.

40. Chris Jackson is vice president, publisher and editor-in-chief of Random House's One World imprint. Since 2006 Jackson was executive editor at Spiegel & Grau. Prior to Spiegel & Grau he was an editor at Crown, another imprint of Random House.

41. One World was started in 1991. Plaintiff understands Mr. Jackson was the editor for *Between the World and Me*, and was named publisher of One World after the wild success of that book.

42. Nicole Counts ("Counts") is a Senior Editor at One World. Plaintiff understands Counts worked with Coates, Chris Jackson and Victory Matsui on *The Water Dancer*.

43. Victory Matsui ("Matsui") was previously a senior publishing manager at One World. Plaintiff understands Matsui worked with Coates, Chris Jackson and Counts on *The Water Dancer*.

44. Warner Bros. Discovery ("Warner Bros.") is a media company that produces, develops and distributes television, film, gaming and other forms of entertainment in physical and digital

formats. It owns such brands as Home Box Office (“HBO”), the Discovery Channel and the Oprah Winfrey Network.

45. The Apollo Theater (“the Apollo”) is a music hall located in the Harlem section of New York City. It has brandished itself as a venue for African-American performers.

46. Maceo-Lyn is a production company founded by Coates and collaborators Kamilah Forbes and Kenyatta Matthews. Plaintiff understands that Kenyatta Matthews is Coates’ wife, and Coates, Kenyatta Matthews and Ms. Forbes are long-time friends who met while attending Howard University in the ‘90s.

47. Plaintiff understands that Kenyatta Matthews is a collaborator in the Maceo-Lyn production company. Along with Metro-Goldwyn-Mayer Motion Studios Inc. (“MGM”), Harpo Films, and Plan-B, Maceo-Lyn plans to create a film adaptation of *The Water Dancer*.

48. Kamilah Forbes is the executive producer at The Apollo. She directed the sold-out world premiere and tour of the theatrical adaptation of *Between the World and Me* at the Apollo, the Kennedy Center and Atlanta Symphony Hall. Ms. Forbes was the executive director of HBO’s TV adaptation of the book.

49. MGM is a media company that produces and distributes feature films and television programs. Founded in the 1920s, MGM is one of the oldest and most iconic American motion picture studios. It was acquired by Amazon in 2021 for over \$8 billion.

50. Harpo Films is a division of Ms. Oprah Winfrey’s Harpo Productions, a multimedia production company. Plaintiff understands Harpo Films has been involved with films such as *Precious* and *Beloved*.

51. Plan-B Entertainment (“Plan B”) is a production company co-founded in 2001 by Brad Pitt, Jennifer Aniston and the late Brad Grey. It is currently solely owned by Pitt. Plan B has produced such notable films as *Troy*, *12 Years A Slave*, and *The Departed*.

52. Ryan Coogler is a film director and screenwriter. *Fruitvale Station*, his first feature film in 2013, won critical acclaim. Coogler directed and co-wrote the *Black Panther* film in 2018, which broke box office records.

53. Joe Robert Cole is an American filmmaker, screenwriter and actor. He produced the Emmy-Winning FX series *American Crime Story: The People vs. OJ Simpson*. Plaintiff understands he co-wrote the *Black Panther* film with Ryan Coogler.

54. Roxane Gay is an American author, professor and cultural critic.

55. Yona Harvey is an American poet and assistant professor at the University of Pittsburgh.

56. MVL Film Finance, LLC (“MVL Film Finance”) is the copyright claimant for the *Black Panther* film. Plaintiff understands MVL Film Finance is the holder of Marvel’s movie debt and theatrical film rights to 12 characters and supporting characters as collateral.

57. Marvel Entertainment, LLC is an entertainment company based in New York City. Marvel Entertainment owns Marvel Worldwide, which in turn owns Marvel Comics (“Marvel”). Marvel publishes, markets and promotes comic books with characters like Captain America, Spider-Man, and Black Panther. The Walt Disney Company acquired Marvel Entertainment in 2009. The Walt Disney Company, MVL Film Finance, Marvel Entertainment, Marvel Worldwide, and Marvel are collectively, “Disney.”

58. Mr. Baker resides in Brooklyn, New York. He owns copyright registration TXU001822615 for *Shock Exchange*, registered with the United States Copyright office August 1, 2012.

59. JOHN DOES 1-50, upon information and belief, are individuals and/or entities, related to the facts, allegations and causes of action, presently unnamed but who may be named as additional defendants as a result of discovery, investigation, or other legal endeavors directed at, inter alia, the assessment of their respective or joint liabilities.

**JURISDICTION AND VENUE**

60. This action arises under 17 U.S.C. § 101, *et seq.* for defendants' authorship, publication, and sale of *The Water Dancer*, *Between the World and Me*, *We Were Eight Years In Power*, *Black Panther* comic book, *Captain America* comic book, various articles for *The Atlantic* and *Black Panther* movie in violation and infringement of Plaintiff's copyright in *Shock Exchange*.

61. Injunctive relief, profits and actual damages or statutory damages are sought pursuant to 17 U.S.C. §§ 502-504.

62. Costs, plaintiff's time and efforts and attorneys' fees are sought pursuant to 17 U.S.C. § 505.

63. The court has jurisdiction of this action pursuant to 28 U.S.C. § 1331.

64. Venue in this Court is proper pursuant to U.S.C. § 1391 (b).

**FACTUAL BACKGROUND TO THIS ACTION PURSUANT TO THE WATER DANCER**

**A. *The Water Dancer* Stole The Heart Of *Shock Exchange***

65. *Shock Exchange* explains the stock market and the economy through the eyes of the New York Shock Exchange, a travel basketball team and financial literacy program Mr. Baker started in 2006 for his 11-year-old son and other boys his age. It also allowed Mr. Baker to pass along his passion for basketball and investing with kids.

66. Mr. Baker spent five years talking about *Shock Exchange* and another two-and-a-half years actually researching and writing it.

67. *Shock Exchange* described Mr. Baker's life growing up in Farmville / Prince Edward County, VA, and the life lessons he learned. Those lessons were the building blocks of the New York Shock Exchange.

68. Mr. Baker described Grandma, Gramma, Grandpa, Suzie (his mother) and My Daddy in a tremendous amount of detail. He also described "Up The House," his grandmother's farm where all the happenings occurred.

69. Most readers said their favorite part of the book was his storytelling, particularly about his family and his time growing up in Prince Edward County.

70. *Library Journal* noted, "Baker also explores the African American experience from an economic perspective by telling the story of his early life in Farmville, VA."

71. Through those stories, Mr. Baker described his modes of thinking on the economy, the political climate and Black culture.

72. Plaintiff alleges in *The Water Dancer*, defendant copied stories about Plaintiff's family, Prince Edward County, VA and his life. Defendant attempted to mimic Plaintiff's storytelling style, his pacing in telling a story, his sentence structure and cadence. Defendant repeated several colloquialisms and turns of phrase.

73. Plaintiff alleges that *The Water Dancer*'s main character, Hiram, was based on a description of his life. Plaintiff alleges other characters were based on his parents and grandparents as described in *Shock Exchange*.

74. The setting – Elm County, Starfall and Lockless – was based on Plaintiff's descriptions of Prince Edward County, Farmville, and Up The House – the farm owned by Plaintiff's grandmother.

#### **B. Defendant Stole The Sweat Of Mr. Baker's Brow**

75. Plaintiff spent his entire life telling funny stories all day, every day, growing up in rural Virginia. Storytelling is a family tradition in rural Virginia, passed down from Plaintiff's parents, grandparents, aunts, uncles, etc.

76. *The Water Dancer* was the defendant's first novel. Plaintiff alleges the defendant was writing about a place – rural Virginia – that he could possibly know nothing about. He did this in less than two years after his previous book was published.

77. Plaintiff alleges that defendant and his staff saved several years in time and effort by plagiarizing *Shock Exchange*. According to *Orgel v. Clark Boardman Co.*, 301 F.2d 119, 120, *cert. denied*, 371 U.S. 817, S.Ct. 31, 9 L.Ed.2d 58 (1962); “Appropriation of the fruits of another’s labor and skill in order to publish a rival work without the expenditure of the time and effort required for independently arrived at results is copyright infringement.” Plaintiff alleges Defendant had *Shock Exchange* open in front of him when he wrote *The Water Dancer*.

78. Plaintiff alleges the book’s major themes were copied from *Shock Exchange*. Plaintiff alleges these major themes represented his consciousness, mode of thinking and approach to life in rural Virginia, and defendant passed these themes off as original thought.

### **C. Defendant Demonstrated Arrogance And Disdain In Copying Plaintiff’s Work**

79. In one of the most obvious examples of arrogance and disdain, in *The Water Dancer* defendant openly bragged about copying the Plaintiff’s work. Defendant bragged about stealing Plaintiff’s identity, copying Plaintiff’s unique literary writing style, rendering all of Plaintiff’s features, and learning Plaintiff’s word choice.

80. Defendant bragged about how he fancied himself so clever that his plagiarism would never get detected.

81. Defendant also bragged about stealing Plaintiff's "special knowledge" and going through pains to mask the piracy – *See Exhibit A.*

#### **D. Defendant Copied The Characters From *Shock Exchange***

82. Plaintiff alleges the main character, Hiram, was based on a description of Plaintiff's life from *Shock Exchange*. Defendant described the other characters like Plaintiff described his parents and grandparents. Plaintiff alleges Defendant copied narrative Plaintiff attributed to different family members and applied it to certain characters in *The Water Dancer*. The description of the characters in *Shock Exchange* were so detailed and intricate that readers felt they actually knew these people.

83. Plaintiff's strong character development makes his claim of copyright infringement more palatable. According to *Nichols v. Universal Pictures Corporation*, 45 F.2d 119 (2d Cir. 1930), "It follows that the less developed the characters, the less they can be copyrighted; that is the penalty an author must bear for marking them so indistinctly." *Shock Exchange*'s well-developed characters make Plaintiff's copyright claim stronger.

84. The similitude in the description of the characters in the two books can only be explained by the fact that the characters in *The Water Dancer* were copied from *Shock Exchange*.

#### **E. Defendant Attempted To Give *The Water Dancer* The Same "Concept And Feel" Of *Shock Exchange***

85. The similarities between *The Water Dancer* and *Shock Exchange* are so numerous and substantial as to give rise to a strong inference of copying. Defendant mentioned Elm County and Lockless in the same sentence as if they were the same place and interchangeable. In *Shock Exchange* Plaintiff mentioned Prince Edward County and Farmville in the same sentence as if they were the same place and interchangeable. The setting of *The Water Dancer* mirrored Plaintiff's description of Prince Edward County and Up The House.

86. Defendant's description of Lockless was similar to how Plaintiff described Up The House. Defendant referred to going "up to the house," "the great house," "the house," and "this house" hundreds of times in order to linguistically sound like "Up The House."

87. Plaintiff alleges major themes in *The Water Dancer* were copied from *Shock Exchange*.

88. Defendant used these elements and several others to give *The Water Dancer* the total "concept and feel" of *Shock Exchange*, which is an example of copying. In *Roth Greeting Cards v. United Card Company* the court said as much: "It appears to us that in total concept and feel the cards of United are the same as the copyrighted cards of Roth. With the possible exception of one United card (exhibit 6), the characters depicted in the artwork, the mood they portrayed, the combination of artwork conveying a particular mood with a particular message, and the arrangement of the words on the greeting card are substantially the same as in Roth's cards. In several instances the lettering is also very similar."

**F. Coates Made Crude Efforts To Give The Appearance Of Dissimilarity With *Shock Exchange***

89. Defendant took crude efforts to give the appearance of dissimilarity with *Shock Exchange*. Plaintiff alleges Defendant copied real characters and a real story from *Shock Exchange* and added some goofiness pursuant to magical realism, conduction (teleportation), the Underground Railroad and Harriet Tubman to mask the piracy. What other purpose would it serve to portray Harriet Tubman – a true American hero – beaming herself through history and freeing slaves through magic rather than courage and guile?

90. According to *Business Trends Analysts v. Freedonia Group* 887 F.2d 399 (2d Cir. 1989), "We view the similarities as inexplicable other than as the result of copying and agree with Judge Conboy that the differences amount only to a 'crude effort to give the appearance of dissimilarity' and are thus themselves evidence of copying."

91. Defendant's crude effort to give the appearance of dissimilarity is evidence of copying.

**G. Defendant Attempted To Copy Mr. Baker's Unique Literary Writing Style And Write In Mr. Baker's Voice**

92. Plaintiff spent decades attempting to "write in his own voice." That way (1) Plaintiff's writing would remain unique and (2) his writing would capture the essence of his background and the area he was raised. *Shock Exchange* described how Plaintiff's high school English teacher, Lydia Peale, encouraged him in high school and helped Plaintiff and his classmates find their own voices: "I think it was Galileo who once said, 'You can't teach a man anything. You can only help him find it within himself.' From that perspective, Mrs. Peale never really taught us anything, she simply gave us the framework to help us find our own voices"<sup>2</sup> -- see *Exhibit J for notes and sources*.

93. Mrs. Peale was gracious enough to help Plaintiff edit *Shock Exchange*. Plaintiff and Mrs. Peal communicated over the phone and via email. She sent her mark-ups through the mail. It gave Plaintiff confidence, knowing he had finally passed Mrs. Peale's tough grading system.

94. Throughout *The Water Dancer*, *Between the World and Me*, *We Were Eight Years In Power*, comic books and articles for *The Atlantic*, Coates methodically and meticulously attempted to craft sentences like those in *Shock Exchange*, write in Plaintiff's voice and capture his expression. Plaintiff alleges Defendant attempted to replicate Shock Exchange rhythmic prose and tedious talk – see *Exhibit B*.

95. Plaintiff alleges Defendant attempted to mirror Plaintiff's cadence and pacing in telling a story. Defendant repeated words in place and replicated the same words over and over throughout each paragraph or each page of *The Water Dancer*. Defendant used commas, ellipses, turns of phrase, syntax and vernacular in a methodical attempt to re-craft Plaintiff's dense, rhythmic prose.

96. *The Water Dancer* is over 400 pages long. Plaintiff alleges the prose and the dialogue are incoherent. Plaintiff alleges the defendant rarely makes a complete thought. The entire point is not to say anything of note, but to mimic Shock Exchange rhythmic prose and tedious talk.

97. All of the characters speak in the same voice. They repeat words in place to mimic Shock Exchange rhythmic prose and tedious talk.

98. The court in *Chicago Record-Herald Co. v. Tribune Ass'n*, 275 F. 797 (1921)) protects my expression and unique literary style from being copied: "News, as such, is not the subject of copyright; but in so far as the Edwards article involves authorship and literary quality and style, apart from the bare recital of the facts or statement of news, it is protected by copyright law. That the entire copyrighted article involves in its production authorship as generally understood, and manifests literary quality and style in striking degree, is impressively apparent, from its perusal."

99. The court in *Arnstein v. Porter*, 154 F.2d 464 (2d Cir. 1946)) raised the question whether a defendant took from plaintiff's works too much of what was pleasing to the ear: "The plaintiff's legally protected interest is not, as such, his reputation as a musician but his interest in the potential financial returns from his compositions which derive from the lay public's approbation of his efforts. The question, therefore, is whether defendant took from plaintiff's works so much of what is pleasing to the ears of lay listeners, who comprise the audience for whom such popular music is composed, that defendant wrongfully appropriated something that belongs to the plaintiff."

100. In April 2020 the rapper Black Thought praised defendant's cadence and word choice:

I think I am going to call today's episode *Between The World And Us*. I am going to be reading an excerpt from *Between the World and Me* by Ta-Nehisi Coates. Coates is one of my favorite writers because I really identify with his cadence and the way in which he speaks. His choice of words speaks directly to me, in that it's

reminiscent of the voice inside my head, so it's very inspiring. And he's told me that I inspire him in the say way for some of the same reasons.

I was very honored when I was asked by Kamilah Forbes to take part a couple years ago in a reading for some of this material. We did a performance at ... I think we did a couple of performances at The Apollo Theatre in Harlem and a couple of performances of the same material at The Kennedy Center in Washington, D.C.<sup>3</sup>

Plaintiff alleges the cadence Black Thought referred to was meticulously and methodically copied by defendant from *Shock Exchange*. It is evidence that defendant took much of Plaintiff's work that was "pleasing to the ears of lay listeners," and thus, represents copyright infringement. The cadence and "the way it is written" is at the heart of *Between the World and Me*, *The Water Dancer*, *We Were Eight Years In Power* and several of defendant's articles for *The Atlantic*. It is de facto admission of Plaintiff's striking writing style and it should be protected.

#### **H. Coates Told Fantastical Stories About His Research**

101. In a September 2019 interview with Oprah Winfrey at The Apollo in Harlem, Coates said Monticello, Thomas Jefferson's home in Charlottesville, VA, was an invaluable resource for his research.<sup>4</sup> In a September 2019 interview with Gayle King on location at Monticello, Coates implied the story for Lockless, the fictional plantation from *The Water Dancer*, was based on Monticello.<sup>5</sup> In October 2019 Coates interviewed with Falcon Murphy Falcon in Baltimore, MD. In a pre-recorded video Coates said he did research at Civil War battlefields, Monticello, the Whitney Plantation and the Shirley Plantation.<sup>6</sup>

102. Plaintiff grew up about 50 minutes from Charlottesville (where Monticello is located). He attended business school at The Darden School of Business at the University of Virginia ("Darden") in Charlottesville. Plaintiff alleges he has never been to Monticello and does not know any Blacks who have. Plaintiff alleges he has driven past signs for Monticello hundreds of times, yet has never been to Monticello and has never had any interest in going.

103. The Shirley Plantation is located in Charles City, Virginia. Plaintiff hung 44 points on Charles City in a high school basketball game, which Plaintiff wrote about in *Shock Exchange*. Plaintiff also wrote extensively about his business school experience and his time in Charlottesville.

104. Plaintiff alleges the defendant visited places he read about in *Shock Exchange* – as if defendant was actually “Ralph Baker” – and told book critics and the public the story for *The Water Dancer* was derived from those places. Defendant assumed book critics and the public would be gullible enough to take his word for it.

105. Defendant’s fantastical explanation pursuant to where he derived the story is evidence of copying.

106. There is no evidence defendant created the story for *The Water Dancer* independent of *Shock Exchange*. According to *Roth Greeting Cards v. United Card Co.*, 429 F.2d 1106, 1110 (9th Cir.1970) and *Novelty Textile Mills*, 558 F.2d at 1092 n. 2: “The absence of any countervailing evidence of creation independent of the copyrighted source may well render clearly erroneous a finding that there was not copying.”

### **I. Defendant Claims *The Water Dancer*’s Prose Came From Slave Novels**

107. In an August 2019 *Vanity Fair* article, Jesmyn Ward said, “What Coates has done in his novel is meld the prose of the early 1800s with a modern sentiment of love and heartbreak. The novel’s prose is faithfully dated, marked by the linguistic formalities and trends of the time ...”<sup>7</sup>

108. In a September 2019 interview for Random House, defendant implied the voice in *The Water Dancer* was pulled from the past: “Of course, that literature stretches back to 1619, some 400 years. Literally, the way the book is written, by which I mean the actual voice, the way the guy talks, is pulled from the past. It's me writing, but it's not a story as I would tell it today if that

makes sense. I think that's a big difference between *The Water Dancer*, *Between the World and Me*, *Beautiful Struggle*, and even *We Were Eight Years in Power*. That's very much my voice. With *The Water Dancer*, I felt like I was trying to channel something much, much older.”<sup>8</sup>

109. Plaintiff alleges defendant attempted to copy Plaintiff’s voice, sentence structure, syntax and pacing in telling a story from *Shock Exchange*. Defendant tried to convince book critics and the public the prose in *The Water Dancer* came from the 1800s or was derived from slave narratives.

110. In the 2019 interview with Random House, defendant’s statement pursuant to the prose in *Between the World and Me*, *The Beautiful Struggle* and *We Were Eight Years in Power* – “That’s very much my voice” – also conflicted with his prior statements. In 2015 defendant was adamant that the prose in *Between the World and Me* was his attempt to write like James Baldwin.

111. Defendant’s conflicting statements about where the prose in *Between the World and Me*, *We Were Eight Years In Power*, and *The Water Dancer* was derived is evidence of copying.

## **FACTUAL BACKGROUND TO THIS ACTION PURSUANT TO WE WERE EIGHT YEARS IN POWER**

### **J. Defendant Stole The Sweat Of Plaintiff’s Brow**

112. *Shock Exchange* also explained (1) Virginia history, including Reconstruction and Prince Edward County, VA, (2) the vagaries of the banking industry and how it has evolved and (3) key tenets of the economy, including the “black Tax” – high unemployment and mass incarceration amongst Blacks. Plaintiff alleges Defendant copied this analysis via *We Were Eight Years In Power* and articles in *The Atlantic*.

113. In 2017 defendant wrote *We Were Eight Years In Power*, a selection of eight articles from *The Atlantic* during the President Obama's eight years in office – what defendant referred to as a period of "Good Negro Government." Plaintiff alleges several of the articles and essays were copied from *Shock Exchange*.

114. Plaintiff had Dr. Ronald Heinemann's class on Virginia history at Hampden-Sydney College in the mid-80s. Plaintiff alleges Dr. Heinemann was the resident expert on Harry Byrd. Plaintiff alleges Dr. Heinemann impressed upon him the importance of Byrd pursuant to Virginia history.

115. In *Shock Exchange* Plaintiff explained how Byrd dominated Virginia politics after Blacks were disenfranchised during Reconstruction. Plaintiff alleges defendant copied Plaintiff's interpretive analysis on Reconstruction for *We Were Eight Years In Power*.

116. Plaintiff alleges defendant copied his interpretive analysis on mass incarceration in *We Were Eight Years In Power* and for *The Atlantic* article, "The Black Family In The Age Of Mass Incarceration."

117. Plaintiff alleges defendant copied his interpretive analysis on redlining in *We Were Eight Years In Power* and for *The Atlantic Article*, "The Case For Reparations."

118. Plaintiff worked in retailing banking in 1989 directly after college. Plaintiff alleges his first assignment was studying and mastering the community reinvestment act ("CRA"). In *Shock Exchange* Plaintiff explained how in a stack of bank manuals, he uncovered how Blacks resisted redlining in Illinois, which he found remarkable.

119. Plaintiff described – from memory – how Blacks in Illinois fought vociferously against redlining. Plaintiff alleges that defendant copied his interpretative analysis of redlining in *We Were Eight Years In Power* and *The Atlantic Article*, "The Case For Reparations."

120. Plaintiff alleges defendant, his editors and research teams at Random House and *The Atlantic* were able to save years in time and effort by such copying. According to *Orgel v. Clark Boardman Co.*, 301 F.2d 119, 120, *cert. denied*, 371 U.S. 817, S.Ct. 31, 9 L.Ed.2d 58 (1962); “Appropriation of the fruits of another’s labor and skill in order to publish a rival work without the expenditure of the time and effort required for independently arrived at results is copyright infringement.”

#### **K. Defendant Copied Plaintiff’s Analysis On Reconstruction**

121. Plaintiff’s analysis on the period of Reconstruction in Virginia described the rise of the Readjuster Party, the disenfranchisement of Blacks that led to the dismantling of the Readjuster Party, and the rise of Virginia governor Harry Byrd.

122. In *We Were Eight Years in Power* defendant described the success of Black politicians in South Carolina during Reconstruction. Defendant described how Black politicians rebuilt schoolhouses and placed the state on the road to prosperity. Defendant also espoused how Black politicians were stymied by factions that wanted whites to control state politics. These factions disenfranchised Blacks by adding literacy tests and property requirements to the state constitution.

123. Defendant cited a book on Reconstruction by W.E.B. Du Bois and claimed his analysis on Reconstruction was inspired by Obama.

124. Plaintiff alleges that defendant copied Plaintiff’s interpretative analysis from *Shock Exchange*. The similitude between the defendant’s and Plaintiff’s interpretation gives rise to the inference of copying – see *Exhibit C for a comparison*.

#### **L. Defendant Plagiarized “The Black Family In The Age Of Mass Incarceration”**

125. The seventh article in *We Were Eight Years In Power* was “The Black Family In The Age of Mass Incarceration,” originally published in *The Atlantic* in October 2015. Defendant wrote about mass incarceration and the impact on the Black family and implied it was inspired by Daniel Patrick Moynihan’s *The Negro Family: The Case For National Action*, published in the 1960s.

126. The article in *We Were Eight Years In Power* was over 50 pages long and included narrative on Moynihan’s unique background and several pages about slavery and Jim Crow. Buried within the article, defendant described mass incarceration and the economic impact on the Black family that mirrored content from *Shock Exchange* – see *Exhibit D*.

127. The basis for Plaintiff’s analysis in *Shock Exchange* came from his extrapolation of a case study from Dr. Bill Hendley’s advanced economics class at Hampden-Sydney College in 1989. It illustrated Plaintiff’s ability to take complicated, technical information and explain it in laymen’s terms.

128. Defendant’s interpretation of mass incarceration sounded strikingly similar to Plaintiff’s.

129. The copied material was the heart of *The Atlantic* article and represented copyright infringement. According to *Burroughs v. Metro-Goldwyn Mayer, Inc.*, 683 F.2d 610 n. 14 (2d Cir. 1982), “Copyright infringement may occur by reason of a substantial similarity that involves only a small portion of each work.”

#### **M. Defendant Plagiarized “The Case For Reparations”**

130. The fourth article in *We Were Eight Years In Power* was “The Case For Reparations,” originally published in *The Atlantic* in 2014. Defendant described how Clyde Ross – and other Blacks – faced redlining in the state of Illinois. Per the defendant, Ross was born in Mississippi

in 1923, arrived in Chicago, IL in 1947. Per the defendant, while in Chicago, Ross faced redlining by banks that refused to give Blacks mortgages.

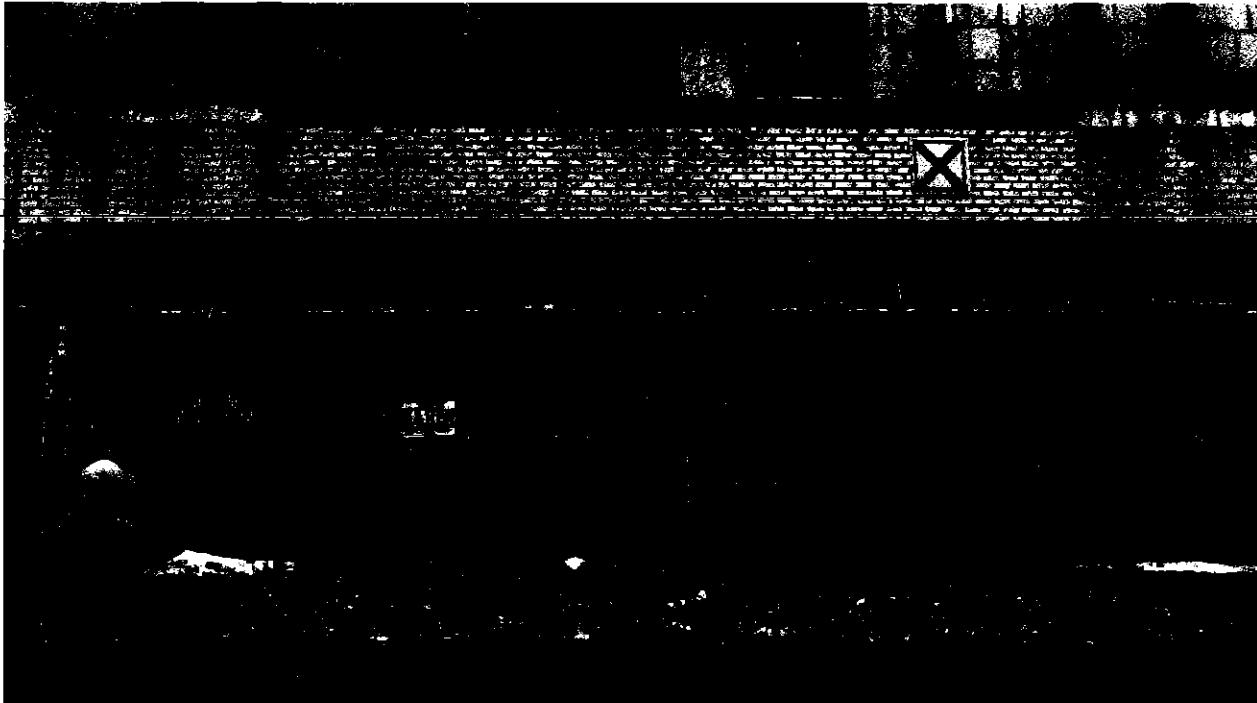
131. The article described how Blacks in Chicago complained vociferously about not being able to secure a mortgage, and fought back against redlining. In *Shock Exchange* Plaintiff explained how Blacks in Illinois complained vociferously about not being able to secure loans and mortgages, and how they fought back against redlining.

132. “The Case For Reparations” within *We Were Eight Years In Power* was over 40 pages long. Buried within the article was narrative on how Blacks fought against redlining in Chicago, IL. – *see Exhibit E.*

133. The narrative on how Blacks resisted redlining in Illinois was the heart of the article and represented copyright infringement. According to *Burroughs v. Metro-Goldwyn Mayer, Inc.*, 683 F.2d 610 n. 14 (2d Cir. 1982), “Copyright infringement may occur by reason of a substantial similarity that involves only a small portion of each work.”

#### **N. Defendant Demonstrated Arrogance And Disdain In Copying Plaintiff’s Work**

134. In one of the most obvious examples of arrogance and disdain, defendant used a picture with Plaintiff’s name in it – “BAKER” – on the front page of the article for “The Case For Reparations.”



Source: "The Case For Reparations," from *The Atlantic*.

Plaintiff alleges the picture reflects defendant's attempt to antagonize him and get Plaintiff's dander up, and illustrates defendant's brazen disregard for copyright law.

#### **O. Defendant Used An Example For Reparations That Mirrored Plaintiff's**

135. One of the examples the defendant used as a form of reparations – John Randolph's gift of land to his slaves – mirrored that of *Shock Exchange*. Below is a passage from "The Case For Reparations" that references John Randolph:

Edward Coles, a protégé of Thomas Jefferson who became a slaveholder through inheritance, took many of his slaves north and granted them a plot of land in Illinois. John Randolph, a cousin of Jefferson's, willed that all his slaves be emancipated upon his death, and that all those older than forty be given ten acres of land. "I give and bequeath to all my slaves their freedom," Randolph wrote, "heartily regretting that I have been the owner of one."<sup>9</sup>

Below is a passage from *Shock Exchange* that describes reparations from John Randolph to his slaves in Prince Edward County, VA:

Legend has it that when former Congressman John Randolph of Roanoke went away to college, a black man accompanied him as an aide. Randolph eventually grew so close to

the man that he treated him almost like a family member, contributing to Randolph's decision to free his slaves as soon as he could afford to ... They were given Israel Hill, which was considered fertile and could be used to promote farming. The free blacks also blacksmiths, carpenters, and the like.<sup>10</sup>

136. Plaintiff alleges that the reference to John Randolph is another similarity between "The Case For Reparations" and *Shock Exchange* that proves copying by the defendant.

**P. Defendant Attempted To Write In Plaintiff's Voice And Literary Writing Style**

137. Defendant wrote an essay about the year each of the articles in the book was written. Plaintiff alleges that defendant attempted to write the essays in Plaintiff's voice, and linguistically sound like the Plaintiff. Defendant also attempted to replicate Plaintiff's unique literary writing style. Plaintiff alleges that defendant copied several passages and several turns of phrase from *Shock Exchange*. Per *Chicago Record-Herald Co. v. Tribune Ass'n* and *Arnstein v. Porter*, this represents copyright infringement.

**Q. The Plagiarized Material Was The Heart Of We Were Eight Years In Power**

138. "The Case For Reparations," "The Black Family In The Age Of Mass Incarceration," defendant's narrative on Reconstruction and the book's dense rhythmic prose represents the heart of *We Were Eight Years In Power*. They were all copied from *Shock Exchange* and represent copyright infringement.

**FACTUAL BACKGROUND TO THIS ACTION PURSUANT TO BETWEEN THE WORLD AND ME**

**R. Defendant Stole The Sweat Of Plaintiff's Brow**

139. In 2015 defendant wrote *Between the World and Me* in the form of a letter to his son. Defendant claimed the book was inspired by Baldwin's *The Fire Next Time*, written in the form of a letter to Baldwin's nephew.

140. Plaintiff alleges that in the book, defendant's life sounded like Plaintiff's

life. Defendant described his parents and grandparents similarly to how Plaintiff described his parents and grandparents. Defendant's passions sounded like Plaintiff's passions.

141. Plaintiff wrote *Shock Exchange* to his son, Ralphie; a picture of Plaintiff's son is on the book cover. Defendant claimed he wrote *Between the World and Me* to his son.

142. *Shock Exchange* is a celebration of Plaintiff's family, the teachers and professors who raised him. Plaintiff celebrated the institutions that influenced him – the churches, Prince Edward County High School, Hampden-Sydney College and Darden. Plaintiff also wrote about the authors and books that shaped his worldview and helped him navigate the world.

143. Defendant structured *Between the World and Me* in a similar fashion. Defendant attempted to celebrate his family and professors who allegedly influenced him. He also attempted to celebrate Howard University the way Plaintiff celebrated his alma maters.

144. Plaintiff alleges that defendant copied and pasted several passages from *Shock Exchange*, changed the words around – while keeping the same meaning – and moved the passages out of sequence.

145. Plaintiff spent years researching and writing *Shock Exchange*. The most-difficult part to write was about his family. Weaving his family, teachers, professors, churches and the schools he attended into a story about basketball, economics, finance and financial literacy was very arduous, painstaking work. Plaintiff alleges that defendant used *Shock Exchange* as a model for *Between the World and Me*.

146. Plaintiff alleges defendant copied several aspects of Plaintiff's life and his family's life as if defendant was actually "Ralph Baker." Defendant and his staff saved years in time and effort by such copying. According to *Orgel v. Clark Boardman Co.*, 301 F.2d 119, 120, cert. denied, 371 U.S. 817, S.Ct. 31, 9 L.Ed.2d 58 (1962); "Appropriation of the fruits of another's labor and

skill in order to publish a rival work without the expenditure of the time and effort required for independently arrived at results is copyright infringement.”

**S. Defendant Attempted To Copy Mr. Baker’s Unique Literary Writing Style And Write In**

**Plaintiff’s Voice**

147. Defendant attempted to write *Between the World and Me* in Plaintiff’s unique literary writing style, and write in Plaintiff’s voice. Defendant attempted to copy Shock Exchange rhythmic prose and tedious talk. Defendant carefully crafted sentences in Plaintiff’s sentence structure and attempted to capture the pacing of Plaintiff’s voice, and mimic Plaintiff’s cadence – *see Exhibit F for comparisons.*

148. Plaintiff alleges the majority of the passages in *Between the World and Me* is incoherent. Defendant did not attempt to say anything of note. The only point was to linguistically sound like *Shock Exchange*, copy Plaintiff’s cadence and run it out over a continuous loop. Per *Chicago Record-Herald Co. v. Tribune Ass’n* and *Arnstein v. Porter*, this represents copyright infringement.

149. When asked about his writing process in a 2015 interview with the Chicago Humanities, defendant claimed he aimed for Baldwin. Defendant claimed the prose in *Between the World and Me* – which looked totally different from the prose in his first book – reflected defendant’s attempt to write like James Baldwin.<sup>11</sup> Plaintiff alleges that (1) he read James Baldwin in high school and (2) the writing in *Between the World and Me* did not come from Baldwin and it was not Baldwin’s writing. Plaintiff alleges that defendant attempted to copy the prose from *Shock Exchange* and deceive the public that it came from Baldwin. Plaintiff alleges that defendant’s deceptive statement(s) is evidence of copying.

**FACTUAL BACKGROUND TO THIS ACTION PURSUANT TO BLACK PANTHER**

**COMIC BOOK**

**T. Defendant Attempted To Write The Black Panther Comic Book In Plaintiff's Voice And Literary Writing Style**

150. Plaintiff understands that in 2016 defendant became a writer for Marvel Comics' *Black Panther* series and *Black Panther and the Crew*, amongst other comics.

151. Plaintiff alleges the dialogue in the *Black Panther* comic books is difficult to follow and has no forward movement. Defendant attempted to arrange words like Plaintiff arranged them in *Shock Exchange*. Defendant attempted to copy Shock Exchange rhythmic prose and tedious talk, copy Plaintiff's cadence, run it in a continuous loop and called it "Black Panther."

152. Defendant has the characters repeating words in place, with no forward movement. The only point of the dialogue is to repeat words in place in an attempt to mimic Shock Exchange rhythmic prose and tedious talk.

153. Per *Chicago Record-Herald Co. v. Tribune Ass'n* and *Arnstein v. Porter*, this represents copyright infringement.

**U. Black Panther Comics Stole The Sweat Of Mr. Baker's Brow**

154. Plaintiff alleges that defendant attempted to copy the sentence structure, turns of phrase, and the pacing of Plaintiff's voice by meticulously, methodically studying *Shock Exchange*. Plaintiff spent decades working on his craft, structuring sentences in his unique voice and taking risks with a witty, whimsical writing style. Plaintiff got his knuckles cracked by Lydia Peale at Prince Edward County High School when he did not stay in his voice and got yelled at, "Ralph, what is this? That's not how you write!" Defendant and his staff were able to save years in time and effort by such copying. According to *Orgel v. Clark Boardman Co.*, 301 F.2d 119, 120,

*cert. denied*, 371 U.S. 817, S.Ct. 31, 9 L.Ed.2d 58 (1962): “Appropriation of the fruits of another’s labor and skill in order to publish a rival work without the expenditure of the time and effort required for independently arrived at results is copyright infringement.”

#### **V. The Literary Writing Style Is The Heart Of The Black Panther Comics**

155. The prose and “the way it is written” is the heart of the *Black Panther* comic books written by the defendant. There are no real characters to speak of. All of the characters speak in the same voice – Shock Exchange rhythmic prose and tedious talk – so it is difficult to tell which characters are which. The cadence and literary writing style defendant attempted to copy from *Shock Exchange* is the heart of the comic book, and represents copyright infringement. Plaintiff performed a comparison of the dialogue in *Black Panther* to the prose in *Shock Exchange* – see *Exhibit G*.

#### **FACTUAL BACKGROUND TO THIS ACTION PURSUANT TO CAPTAIN AMERICA**

#### **W. Defendant Attempted To Write Captain America In Plaintiff’s Voice And Literary Writing Style**

156. Plaintiff understands that in 2018 defendant announced he would be writing the Marvel Comics *Captain America* series.

157. Plaintiff alleges the dialogue in *Captain America* is difficult to follow and has little forward movement. Defendant simply attempted to arrange words like Plaintiff arranged them in *Shock Exchange*. Defendant attempted to copy Shock Exchange rhythmic prose and tedious talk, copy Plaintiff’s cadence, run it in a continuous loop and called it “Captain America.”

158. Defendant has the characters repeating words in place, with no forward movement. The only point of the dialogue is to repeat words in place in an attempt to mimic Shock Exchange rhythmic prose and tedious talk.

159. Per *Chicago Record-Herald Co. v. Tribune Ass'n* and *Arnstein v. Porter*, this represents copyright infringement.

#### **X. Captain America Stole The Sweat Of Mr. Baker's Brow**

160. Plaintiff alleges that defendant attempted to copy the sentence structure, turns of phrase, and the pacing of Plaintiff's voice by meticulously, methodically studying *Shock Exchange*. Plaintiff spent decades working on his craft, structuring sentences in his unique voice and taking risks with a witty, whimsical writing style. Plaintiff got his knuckles cracked by Lydia Peale at Prince Edward County High School when he did not stay in his voice and got yelled at, "Ralph, what is this? That's not how you write!" Defendant and his staff were able to save years in time and effort by such copying. According to *Orgel v. Clark Boardman Co.*, 301 F.2d 119, 120, *cert. denied*, 371 U.S. 817, S.Ct. 31, 9 L.Ed.2d 58 (1962): "Appropriation of the fruits of another's labor and skill in order to publish a rival work without the expenditure of the time and effort required for independently arrived at results is copyright infringement."

#### **Y. The Literary Writing Style Is The Heart Of Captain America**

161. The prose and "the way it is written" is the heart of *Captain America*. There are no real characters to speak of. All of the characters speak in the same voice – Shock Exchange rhythmic prose and tedious talk – so it is difficult to tell which characters are which. The cadence and literary writing style that defendant attempted to copy from *Shock Exchange* is the heart of the comic book, and represents copyright infringement. Plaintiff performed a comparison of the dialogue in *Captain America* to the prose in *Shock Exchange* – see exhibit H.

**FACTUAL BACKGROUND TO THIS ACTION PURSUANT TO BLACK**

**PANTHER MOVIE**

**Z. Plaintiff Alleges Ryan Coogler And Joe Robert Cole Attempted To Write The Black**

**Panther Movie In Plaintiff's Voice And Literary Writing Style**

162. The *Black Panther* movie is a superhero movie launched in 2018. Plaintiff understands it grossed over \$1.3 billion worldwide, making it the highest-grossing movie by a Black filmmaker and one of the top ten highest-grossing films of all time. Plaintiff understands Joe Robert Cole co-wrote the screenplay for the movie with writer/director Ryan Coogler. The dialogue is rhythmic and tedious, involving characters constantly repeating words in place. All of the characters speak in the same voice.

163. In the July 2016 *vulture.com* article, “*Black Panther* Director Ryan Coogler: Ta-Nehisi Coates Has ‘Absolutely’ Influenced The Movie,” Coogler marveled at Coates’ poetic dialogue in the *Black Panther* comic book, and intimated he and Joe Robert Cole were inspired by Coates.<sup>12</sup>

164. Plaintiff alleges the dialogue in the *Black Panther* is difficult to follow and has little forward movement. Defendants attempted to arrange words like Plaintiff arranged them in *Shock Exchange*. Defendants attempted to copy Shock Exchange rhythmic prose and tedious talk, copy Plaintiff’s cadence, run it out over a continuous loop and called it “Black Panther.”

165. Defendants have the characters repeating words in place, with no forward movement. The only point of the dialogue is to repeat words in place in an attempt to mimic Shock Exchange rhythmic prose and tedious talk.

166. Per *Chicago Record-Herald Co. v. Tribune Ass’n* and *Arnstein v. Porter*, this represents copyright infringement.

**AA. The Black Panther Movie Stole The Sweat Of Mr. Baker’s Brow**

167. Plaintiff alleges Defendants attempted to copy the sentence structure and the pacing of Plaintiff's voice. Plaintiff spent decades working on his craft, structuring sentences in his unique voice and taking risks with a witty, whimsical writing style. Plaintiff got his knuckles cracked by Lydia Peale at Prince Edward County High School when he did not stay in his voice and got yelled at, "Ralph, what is this? That's not how you write!" Defendants and their staff were able to save years in time and effort by such copying. According to *Orgel v. Clark Boardman Co.*, 301 F.2d 119, 120, *cert. denied*, 371 U.S. 817, S.Ct. 31, 9 L.Ed.2d 58 (1962): "Appropriation of the fruits of another's labor and skill in order to publish a rival work without the expenditure of the time and effort required for independently arrived at results is copyright infringement."

#### **BB. The Dialogue Is The Heart Of Black Panther**

168. The dialogue, the way it is written and the "the way it sounds" is the heart of *Black Panther*. All of the characters speak in the same voice – *Shock Exchange* rhythmic prose and tedious talk. The emotion felt by the audience from the rhythmic, tedious tone of the dialogue drives the movie. The dialogue is contrived to sound like *Shock Exchange*.

169. Plaintiff alleges the Defendants methodically, meticulously attempted to copy his cadence and pacing in telling a story, which represents copyright infringement. Plaintiff performed a comparison of the dialogue in the *Black Panther* movie to the prose in *Shock Exchange* – see Exhibit I.

#### **FOR THE CAUSE OF ACTION AGAINST TA-NEHISI COATES (Copyright Infringement And Unfair Competition)**

170. Plaintiff repeats and realleges all of the foregoing allegations as if fully set forth herein.

171. Plaintiff owns a registered copyright in *Shock Exchange*.

172. Plaintiff owns the exclusive rights to *Shock Exchange*, and has not transferred any such rights to any individual or entity.

173. Defendant stole a substantial portion of *Shock Exchange*. He also stole the most unique aspects of *Shock Exchange*.

174. Defendant's theft was obvious, despite attempts to mask the piracy.

175. In all instances of defendant's copyright infringement, he was stealing from the heart of *Shock Exchange*.

176. Taken collectively, defendant's copying constitutes a gross and willful violation of Plaintiff's copyright.

177. Defendant, through his books and articles copied from *Shock Exchange* – and published by Random House, Spiegel & Grau, *The Atlantic*, and Marvel Comics – has engaged unfair competition with Plaintiff and *Shock Exchange*.

178. Plaintiff has been damaged financially and emotionally. As a direct and proximate result of defendant's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

179. Plaintiff demands that defendant's social media accounts – Twitter, Instagram, Facebook, Seeking Alpha ([seekingalpha.com](http://seekingalpha.com)) – be provided for review and used as evidence. For the avoidance of doubt, this includes “@tanehisicoates” – the Twitter account defendant deleted in December 2017.

180. Plaintiff demands a permanent injunction on the sale, marketing and promotion of books, comic books, articles, movies, sound recordings and music related to defendant, including *Between the World and Me*, *We Were Eight Years In Power*, *The Water Dancer*, *Black Panther* comics, *Captain America*, the *Black Panther* movie, “The Case For Reparations” and “Black Family In The Age Of Mass Incarceration.”

181. Plaintiff demands the copyright for books, music, sound recordings, movies, articles et. al, associated with defendant be transferred to him immediately. These include, but are not limited to, *Between the World and Me*, *We Were Eight Years In Power*, *The Water Dancer*, *Black Panther* comics, *Captain America*, the *Black Panther* movie, “The Case For Reparations” and “The Black Family In The Age Of Mass Incarceration.”

182. Defendant’s actions have shown a total disregard for the copyright laws of this country. Plaintiff demands a permanent injunction against defendant owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – that defendant is involved with or associated with also be precluded from receiving a copyright.

183. Defendant, through his books and articles copied from *Shock Exchange*, has engaged in unfair competition with Plaintiff and *Shock Exchange*. Defendant, *The Atlantic*, Bertelsmann, Random House and Spiegel & Grau have brandished defendant as a thought leader on redlining, mass incarceration, economics, Reconstruction, Virginia history, amongst others. Defendant and his publishers have caused public confusion resulting in the wrongful belief that defendant, and not Ralph Baker and *Shock Exchange*, is the source of these themes and analyses. Defendant and his publishers have positioned defendant as having crafted a “unique literary writing style” and having crafted the dense, rhythmic prose included in his books and articles. They have caused public confusion resulting in the wrongful belief that defendant, and not Ralph Baker and *Shock Exchange*, is the source of this dense, rhythmic prose.

184. Plaintiff is forced to sue defendant, *The Atlantic*, Spiegel & Grau, Bertelsmann, Disney, Marvel Comics, et. al, lest the confusion in the marketplace will continue and defendants and his employers and business partners will argue that Plaintiff is copying them.

**FOR THE CAUSE OF ACTION AGAINST BCP LITERARY, INC.**

185. BCP owns the copyright for certain books that Plaintiff alleges were copied from *Shock Exchange*. BCP engaged in unfair competition with Plaintiff and *Shock Exchange* via plagiarized books. BCP has created confusion in the marketplace pursuant by purporting that copied material was derived from defendant, and not Ralph Baker and *Shock Exchange*.

186. As a direct and proximate result of BCP's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

187. Plaintiff demands that BCP's ownership of copyright for all material copied from Shock Exchange be transferred to Plaintiff. This includes, but is not limited to, the copyright for *The Water Dancer*, *We Were Eight Years In Power* and the recorded document for *Between the World and Me*.

188. Plaintiff alleges the value of the TA-NEHISI COATES trademark was generated by content defendant copied from Plaintiff and *Shock Exchange*. Plaintiff demands that ownership of the TA-NEHISI COATES trademark be transferred to Plaintiff.

189. As a direct and proximate result of BCP, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

190. Plaintiff demands a permanent injunction against BCPL, its owners and affiliates from owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands any artistic works – books, comic books, movies, music, sound recordings, et. al – that BCP, its owners and affiliates are involved with or associated with also be precluded from receiving a copyright.

## FOR THE CAUSE OF ACTION AGAINST THE ATLANTIC

191. During defendant's tenure, *The Atlantic* became one of the leading magazines for issues related to race and Black culture. Defendant brandished his reputation as a thought leader on reparations, redlining, mass incarceration, economics, Reconstruction, Black culture, race, etc. based on material that was allegedly copied from *Shock Exchange*.

192. Defendant's copyright infringement inured to the benefit of *The Atlantic* in the form of growth in subscriptions, outsized growth in online visitors and growth in advertising dollars. According to *The Atlantic*, it was not failing at the time of its sale in 2017. This was a sharp departure from similar legacy journalism outfits like the *New Republic* and *The Washington Post*.<sup>13</sup>

193. Plaintiff alleges the major difference between *The Atlantic* and similar legacy journalism organizations was defendant and the fame and notoriety he gained from copying Plaintiff's content, attempting to copy Plaintiff's unique literary writing style and passing it off as original work. *The Atlantic* marketed defendant as a thought leader on redlining, reparations, Reconstruction, mass incarceration, race, Black culture, economics pursuant to Blacks, et. al. Plaintiff alleges the copyright infringement by *The Atlantic* and defendant led to outsized growth in subscriptions, revenue, website traffic, and attendance at live events.

194. Plaintiff alerted *The Atlantic* editor Jeffrey Goldberg in the form of a letter that Plaintiff was aware of defendant and *The Atlantic*'s copyright infringement, and Plaintiff was pursuing legal action against them. Plaintiff's correspondence was delivered on May 17, 2022. Plaintiff never received any return correspondence.

195. *The Atlantic* engaged in unfair competition with Plaintiff and *Shock Exchange*

by publishing articles that included content copied from *Shock Exchange* and publishing articles where defendant attempted to copy Plaintiff's unique literary writing style. Defendant and *The Atlantic* created confusion in the marketplace pursuant to where said content was derived.

196. As a direct and proximate result of defendants' conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

197. Plaintiff demands a permanent injunction on *The Atlantic*'s sale, marketing and promotion of all books, comic books, articles, movies, sound recordings and music related to defendant.

198. Plaintiff demands that the copyright for the articles, "The Case For Reparations" and "The Black Family In The Age Of Mass Incarceration" be transferred to Plaintiff immediately.

199. *The Atlantic* has brazenly infringed on Plaintiff's copyright for nearly a decade. Plaintiff demands the operations of *The Atlantic*, including its print and digital magazines, its digital and live-events division and its consulting division be shut down in perpetuity.

#### **FOR THE CAUSE OF ACTION AGAINST DAVID G. BRADLEY**

200. Plaintiff understands David G. Bradley acquired *The Atlantic* in 1999 from Mortimer Zuckerman. He sold a majority stake to Emerson Collective in 2017 for an undisclosed sum. Plaintiff alleges that prior to the sale, *The Atlantic* and defendant copied content from *Shock Exchange*, including works related to redlining, reparations, mass incarceration, economics and Black culture. *The Atlantic*'s growth and business value were driven by articles defendant plagiarized from *Shock Exchange*. Plaintiff alleges defendant also plagiarized books from *Shock Exchange*. The fame and notoriety afforded defendant inured to the benefit of *The Atlantic* and spiked its business value.

201. The value of *The Atlantic* was underpinned by the theft of Plaintiff's intellectual property by defendant, Mr. Bradley, et. al. Plaintiff alleges the sale allowed Mr. Bradley to monetize plagiarized material by defendant and *The Atlantic*.

202. Plaintiff alerted *The Atlantic* editor Jeffrey Goldberg in the form of a letter that he was aware of defendant and *The Atlantic*'s copyright infringement, and Plaintiff was pursuing legal action against them. Plaintiff's correspondence was delivered on May 17, 2022. Plaintiff never received any return correspondence.

203. Plaintiff demands that one hundred percent of sale price for *The Atlantic* be transferred to him. Plaintiff also demands that Mr. Bradley place (1) one hundred percent of the sale price plus (2) accrued interest in escrow until the funds can be transferred by court order. Plaintiff also demands that one hundred percent of the proceeds from the sale of all *The Atlantic*-related businesses, including but not limited to, *CityLab*, Atlantic Media Strategies and AtlanticLIVE be transferred to Plaintiff.

204. Plaintiff understands *CityLab* was sold to Bloomberg in 2019.

205. As a direct and proximate result of Mr. Bradley's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

206. *The Atlantic* published numerous articles plagiarized by defendant during Mr. Bradley's time as owner, and promoted defendant at live events held by *The Atlantic*. Plaintiff alleges *The Atlantic* and Mr. Bradley helped defendant promote his plagiarized books. Mr. Bradley's actions represent unfair competition. He created confusion in the marketplace that

defendant and *The Atlantic*, and not Ralph Baker, were the source of certain articles, books and interpretative analysis on redlining, mass incarceration, Reconstruction, et. al.

207. Mr. Bradley brazenly infringed on Plaintiff's copyright for nearly a decade. Plaintiff demands a permanent injunction against Mr. Bradley owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – Mr. Bradley is involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST LAURENE POWELL JOBS**

208. Plaintiff understands that Laurene Powell Jobs owns Emerson Collective, the vehicle through which she purchased a majority stake in *The Atlantic*. Plaintiff alleges that at the time of the transaction, the value of *The Atlantic* was due to content plagiarized from *Shock Exchange*, the theft of Plaintiff's intellectual property by defendant and *The Atlantic*, live events featuring defendants, etc. *The Atlantic* continues to profit from Plaintiff's content, intellectual property, and the goodwill derived from having created confusion in the marketplace pursuant to plagiarized content.

209. Plaintiff alerted Ms. Powell Jobs and Emerson Collective in the form of a letter that Plaintiff was aware of defendant and *The Atlantic*'s copyright infringement, and Plaintiff was pursuing legal action against them. Plaintiff's correspondence was delivered on May 20, 2022. Plaintiff never received a return correspondence.

210. As a direct and proximate result of Ms. Powell Jobs' conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits and statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

211. *The Atlantic* has benefited from numerous articles plagiarized by defendant during Ms. Powell Jobs' time as owner. Ms. Powell Jobs' actions represent unfair competition and she purposely created confusion in the marketplace that defendant and *The Atlantic*, and not Ralph Baker, were the source of certain articles, books and interpretive analyses plagiarized by defendant.

212. Ms. Powell Jobs brazenly infringed on Plaintiff's copyright. Plaintiff demands a permanent injunction against Ms. Powell Jobs owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – that Ms. Powell Jobs is involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST BERTELSMANN SE & CO. KGaA**

213. Bertelsmann, through its imprints of Random House and One World and its former imprint of Spiegel & Grau, published at least three books plagiarized by defendant – *Between the World and Me*, *We Were Eight Years In Power*, and *The Water Dancer*. Bertelsmann and its various imprints helped defendant brandish himself as a thought leader on redlining, reparations, mass incarceration, economics, Black culture, Reconstruction, Virginia history, et. al.

214. Bertelsmann helped perpetuate defendant's narrative that his newfound prose reflected defendant's attempt to write like Baldwin. Plaintiff alleges these books won critical acclaim, and helped garner notoriety for defendant, Bertelsmann, Random House, and Spiegel & Grau.

215. Bertelsmann and its imprints had a financial incentive to publish plagiarized content. In 2021 Bertelsmann generated revenue of EUR18.6 billion. Random House was Bertelsmann's third-largest segment with revenue of EUR4.0 billion, or about 22% of total revenue.

216. Bertelsmann's acquisition of Random House's remaining 25 percent stake was acquired at an implied value of nearly \$3 billion. Due to Bertelsmann's significant capital investment, Bertelsmann has an out-sized incentive to protect and grow its asset.

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217. On May 22, 2022 Plaintiff emailed members of Bertelsmann's communications team and Dr. Olaf Christiansen, Senior Vice President, Corporate Legal Department – that defendant had been copying material from *Shock Exchange* and Plaintiff was pursuing legal action.

218. On May 26, 2022 Plaintiff received an email from Daniel Novak, Assistant General Counsel at Random House, alerting Plaintiff that the letter had been forwarded to Mr. Novak and he would "reply in due course." Plaintiff has not received any more replies from Random House.

219. As a direct and proximate result of Bertelsmann's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits and statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

220. Bertelsmann and Random House have shown a total disregard for U.S. copyright laws. Plaintiff demands an injunction against Bertelsmann and its subsidiaries from manufacturing, marketing and promoting all books, movies, music, articles, comic books, sound recordings, et. al, related to defendant, including *Between the World and Me*, *We Were Eight Years In Power*, and *The Water Dancer*.

221. Plaintiff demands an injunction against Bertelsmann and its subsidiaries from manufacturing, marketing or promoting any new books for a minimum of 50 years. Plaintiff demands an injunction against Bertelsmann and its subsidiaries from obtaining a copyright for any new work of art or any derivative work for a minimum of 50 years. Plaintiff demands an

injunction against Bertelsmann and its subsidiaries from distributing music, broadcasting television programs or streaming content in the U.S. in perpetuity.

222. Through their books, copied from *Shock Exchange*, Bertelsmann and its subsidiaries engaged in unfair competition with Plaintiff and *Shock Exchange*. Plaintiff alleges they helped brandish defendant's image and reputation as a thought leader on redlining, mass incarceration, economics, Reconstruction, Virginia history, Black culture and themes related to Black culture in rural Virginia, amongst others.

223. Bertelsmann and its subsidiaries caused public confusion resulting in the wrongful belief that defendant, and not Ralph Baker and *Shock Exchange*, was the source of these themes and interpretative analyses. Bertelsmann and its subsidiaries positioned defendant as having crafted a "unique literary writing style" and having crafted the dense, rhythmic prose included in his books and articles. They caused public confusion resulting in the wrongful belief that defendant, and not Ralph Baker and *Shock Exchange*, is the source of this dense, rhythmic prose.

#### **FOR THE CAUSE OF ACTION AGAINST BCP SPIEGEL & GRAU**

224. Spiegel & Grau published *Between the World and Me* in 2015. Plaintiff understands that Spiegel & Grau is now an independent publisher. The book reached the *New York Times* Best Seller list and The Guardian ranked it 7<sup>th</sup> on its list of the 100 best books of the 21<sup>st</sup> century.<sup>13</sup>

225. The prose in *Between the World and Me* looked nothing like the prose in defendant's previous book. Defendant claimed the prose was inspired by James Baldwin. Plaintiff alleges defendant attempted to copy Plaintiff's sentence structure, cadence and voice from *Shock Exchange*, and told the public it came from Baldwin. Plaintiff alleges defendant closely copied a description of Plaintiff's life, his family's life and told the public it was defendant's life.

226. Spiegel & Grau gave credence to defendant's story that the prose was derived from Baldwin. On July 15, 2022 Plaintiff emailed Spiegel & Grau that he was aware of defendant and Spiegel & Grau's copyright infringement, and Plaintiff was pursuing legal action. Plaintiff never received any return correspondence.

227. As a direct and proximate result of Spiegel & Grau's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits and statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

228. Spiegel & Grau showed blatant disregard for U.S. copyright laws. Plaintiff demands an injunction against Spiegel & Grau from manufacturing, and promoting all books, movies, articles, music, comic books, sound recordings, et. al, including *Between the World and Me*.

229. Spiegel & Grau engaged in unfair competition with Plaintiff and *Shock Exchange*. It helped brandish defendant's image and reputation as a thought leader on Black culture and having crafted his dense, rhythmic prose independent of *Shock Exchange*. Spiegel & Grau caused public confusion, resulting in the wrongful belief that defendant, and not Ralph Baker and *Shock Exchange*, was the source of various themes related to Blacks and Black culture, and the dense, rhythmic prose present in *Between the World and Me*.

#### **FOR THE CAUSE OF ACTION AGAINST CHRIS JACKSON**

230. Jackson served as editor for *Between the World and Me*, *We Were Eight Years In Power* and *The Water Dancer*. Jackson accompanied defendant on book tours and helped give credence to the belief that defendant wrote certain books and articles independent of *Shock Exchange*.

231. Plaintiff demands that Mr. Jackson's social media accounts – Twitter, Instagram, Facebook, Seeking Alpha (seekingalpha.com) – be provided for review and used as evidence.

232. Jackson engaged in unfair competition. He caused public confusion resulting in the wrongful belief, that defendant wrote *Between the World and Me, We Were Eight Years In Power and The Water Dancer* independent of *Shock Exchange*.

233. Jackson also caused public confusion resulting in the wrongful belief that defendant, and not Ralph Baker or *Shock Exchange*, was the source of the dense, rhythmic prose in those books.

234. As a direct and proximate result of Jackson's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

235. Jackson has shown a total disregard for copyright laws in the U.S. Plaintiff demands a permanent injunction against Jackson owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – that Jackson is involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST NICOLE COUNTS**

236. Plaintiff understands that Counts serves as an editor at One World and served as one of the editors pursuant to *The Water Dancer*.

237. Plaintiff demands that Ms. Counts' social media accounts – Twitter, Instagram, Facebook, Seeking Alpha (seekingalpha.com) – be provided for review and used as evidence.

238. Ms. Counts engaged in unfair competition. She caused public confusion resulting in the wrongful belief, that defendant, and not Ralph Baker or *Shock Exchange*, was the source for the characters and the dense, rhythmic prose in *The Water Dancer*, and the source for the material pursuant to Hiram and other characters.

239. As a direct and proximate result of Ms. Counts' conduct, Plaintiff has been damaged in

an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

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240. Ms. Counts has shown a total disregard for copyright law. Plaintiff demands a permanent injunction against Ms. Counts owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – that Ms. Counts is involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST VICTORY MATSUI**

241. Plaintiff understands Ms. Matsui served as an editor at One World and served as one of the editors pursuant to *The Water Dancer*.

242. Plaintiff demands that Ms. Matsui's social media accounts – Twitter, Instagram, Facebook, Seeking Alpha (seekingalpha.com) – be provided for review and used as evidence.

243. Ms. Matsui engaged in unfair competition. She caused public confusion resulting in the wrongful belief, that defendant, and not Ralph Baker or *Shock Exchange*, was the source for the characters and the dense, rhythmic prose in *The Water Dancer*, and the source for the material pursuant to Hiram and other characters.

244. As a direct and proximate result of Ms. Matsui's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

245. Ms. Matsui has shown a total disregard for copyright law. Plaintiff demands demand a permanent injunction against Matsui owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works

– books, comic books, movies, music, sound recording, et. al. – that Ms. Matsui is involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST KENYATTA MATTHEWS**

246. Plaintiff understands that Kenyatta Matthews married to the defendant. Plaintiff understands that along with defendant and college friend, Kamilah Forbes, Kenyatta Matthews is one of the founders of the production company Maceo-Lyn.

247. According to sources, Maceo-Lyn, defendant, Ms. Oprah Winfrey's Harpo Films, and Plan B are set to produce a movie adaptation of *The Water Dancer* for MGM. Kenyatta Matthews' attempt to produce a movie adaptation of *The Water Dancer* – a derivative work pursuant to the book – represents copyright infringement.

248. Plaintiff demands that Kenyatta Matthews' social media accounts – Twitter, Instagram, Facebook, Seeking Alpha (seekingalpha.com) – be provided for review and used as evidence.

249. Kenyatta Matthews is promoting the narrative that the dense, rhythmic prose, the story, and the characters in *The Water Dancer* were all original creations of defendant. She is helping to creation confusion in the marketplace and thus, is engaging in unfair competition.

250. As a direct and proximate result of Kenyatta Matthews' conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

251. Plaintiff demands a permanent injunction on Kenyatta Matthews' sale, marketing and promotion of all books, comic books, movies, music, articles, and sound recordings related to defendant. Plaintiff demands a permanent injunction against Ms. Matthews from obtaining a copyright for any work of art, including books, movies, music, comic books, or sound

recordings. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – that Kenyatta Matthews is involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST THE APOLLO**

252. The Apollo created a stage adaptation for *Between the World and Mein* 2018. Plaintiff understands the Apollo staged productions at the Apollo, the John F. Kennedy Center for the Performing Arts and the Atlanta Symphony Hall. The production included readings of excerpts from the book by actress Angela Bassett and rappers Black Thought and Common, amongst others. Jazz musician Jason Moran performed a musical score for the stage adaptation.

253. The stage adaptations represented derivative works of *Between the World and Me*, which Plaintiff alleges defendant copied from *Shock Exchange*. The stage adaptions also represented an infringement of Plaintiff's copyright.

254. As a direct and proximate result of the Apollo's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits and statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

255. The Apollo engaged in unfair competition with Plaintiff and *Shock Exchange*. It helped brandish defendant's reputation as having originated the dense, rhythmic prose in the book. Plaintiff alleges the Apollo helped defendant promote plagiarized material, and helped create confusion in the marketplace about where the prose and the content originated. Plaintiff demands that the ownership of all intellectual property related to the stage adaptation of *Between the World and Me* – including Jason Moran's musical score – be transferred to him immediately.

256. Plaintiff contacted Aldo Scrofani, chief operating officer of the Apollo, on May 13, 2022.

Plaintiff alerted him of copyright infringement by defendant and the Apollo. Plaintiff never received a return correspondence. If the Apollo has not performed an internal investigation into defendant, then it should have. Plaintiff understands defendant is a writer-in-residence at the Apollo. Plaintiff demands a permanent injunction against the marketing and promotion of all books, articles, movies, music and sound recordings related to defendant by the Apollo.

257. Plaintiff understands that in February 2021 the Apollo signed for representation of its intellectual property in all areas with United Talent Agency. The representation came after the success of its stage play. Plaintiff demands a permanent injunction against the Apollo owning a copyright for any work of art. Plaintiff demands a permanent injunction against the Apollo – or anyone the Apollo is involved with – from owning a copyright “in all areas” as defined by its agreement with United Talent Agency.

#### **FOR THE CAUSE OF ACTION AGAINST MACEO-LYN**

258. Plaintiff alleges Maceo-Lyn’s financial interest in the movie adaptation of *The Water Dancer*, which defendant copied, represents copyright infringement. Plaintiff demands a permanent injunction against Maceo-Lyn promoting all books, movies, music, comic books, and sound recordings related to defendant, including *The Water Dancer*.

259. Maceo-Lyn engaged in unfair competition by promulgating the notion that *The Water Dancer* was defendant’s original work and not copied from *Shock Exchange*. As a direct and proximate result of Maceo-Lyn’s conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys’ fees incurred in this action.

260. Plaintiff alleges the value of the TA-NEHISI COATES trademark was generated by

content defendant copied from Plaintiff and *Shock Exchange*. Plaintiff demands that ownership of the TA-NEHISI COATES trademark be transferred to Plaintiff.

261. Plaintiff demands a permanent injunction against Maco-Lyn, its owners and affiliates from owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands any artistic works – books, comic books, movies, music, sound recordings, et. al – that Maceo-Lyn, its owners and affiliates are involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST KAMILAH FORBES**

262. In 2018 Ms. Forbes directed the world premiere and tour of the stage adaptation of *Between the World and Me* for the Apollo. She directed tours of the performance at The Kennedy Center and Atlanta Symphony Hall. Plaintiff understands Ms. Forbes and other executive producers – defendant and Susan Kelechi-Watson – planned to take the stage adaptation to television. In November 2020, the stage adaptation was broadcast on HBO.

263. The stage play and theatrical production on HBO represent derivative works of *Between the World and Me*, which Plaintiff alleges was plagiarized by defendant. They also represent copyright infringement.

264. Plaintiff demands that Ms. Forbes' social media accounts – Twitter, Instagram, Facebook, Seeking Alpha (seekingalpha.com) – be provided for review and used as evidence.

265. Plaintiff understands that along with defendant and Kenyatta Matthews, Ms. Forbes is one of the founders of the production company Maceo-Lyn. Maceo-lyn, along with Harpo Films, Plan B and MGM, is expected to create a movie adaptation of *The Water Dancer*, which Plaintiff alleges was plagiarized by defendant.

266. As a direct and proximate result of the Ms. Forbes' conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits and statutory

damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

267. Ms. Forbes has shown a total disregard for U.S. copyright law. The stage production of *Between the World and Me* was performed in front of sold-out crowds. Due to the wild success of the stage play and theatrical production on HBO, Plaintiff understands that in March 2021 Ms. Forbes signed with United Talent Agency in all areas.<sup>15</sup>

268. Plaintiff demands a permanent injunction against the marketing and promotion of all books, articles, movies, music, theatrical productions and sound recordings related to defendant by Ms. Forbes. Plaintiff demands a permanent injunction against Ms. Forbes owning a copyright for any work of art. Plaintiff demands a permanent injunction against Ms. Forbes – or any organization she is involved with – from owning a copyright “in all areas,” as defined by her agreement with United Talent Agency.

#### **FOR THE CAUSE OF ACTION AGAINST SUSAN KELECHI-WATSON**

269. Plaintiff understands Ms. Kelechi-Watson was an executive producer for the theatrical production of *Between the World and Me* on HBO. Plaintiff understands she and other executive producers – defendant and Ms. Forbes – planned to take the stage adaptation of the book to television. In November 2020 the stage adaptation was broadcast on HBO.

270. The theatrical production on HBO represents a derivative work of *Between the World and Me*, which Plaintiff alleges defendant copied from *Shock Exchange*. It also represents copyright infringement.

271. Plaintiff demands that Ms. Kelechi-Watson’s social media accounts – Twitter, Instagram, Facebook, Seeking Alpha ([seekingalpha.com](http://seekingalpha.com)) – be provided to him for review and used as evidence.

272. As a direct and proximate result of the Ms. Kelechi-Watson's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits and statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

273. An actress, Plaintiff understands Ms. Kelechi-Watson performed in the theatrical production of *Between the World and Me* performed at the Apollo and on HBO.

274. Ms. Kelechi-Watson has shown total disregard for U.S. copyright law.

275. Plaintiff demands a permanent injunction against the marketing and promotion of all books, articles, movies, music, theatrical productions and sound recordings related to defendant by Ms. Kelechi-Watson. Plaintiff demands a permanent injunction against Ms. Kelechi-Watson owning a copyright for any work of art. Plaintiff demands that any work of art she is involved with be precluded from owning a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST WARNER DISCOVERY**

276. In November 2020 HBO broadcasted a theatrical production of *Between the World and Me*. HBO is owned by Warner Bros. The production included readings of excerpts from the book by Ms. Oprah Winfrey, Ms. Kelechi-Watson, actress Ms. Angela Bassett, and actor Mahershala Ali, amongst others.

277. The theatrical production represents a derivative work of the book, which Plaintiff alleges defendant copied from *Shock Exchange*. It also represents copyright infringement.

278. As a direct and proximate result of the Warner Bros.'s conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits and statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

279. Warner Bros. engaged in unfair competition with Plaintiff and *Shock Exchange*. It helped

brandish defendant's reputation as having originated the dense, rhythmic prose, which he copied from *Shock Exchange*. Plaintiff alleges defendant copied aspects of Plaintiff's life from *Shock Exchange* and passed it off his life. Warner Bros. helped defendant promote plagiarized material, and helped create confusion in the marketplace about where the prose and the content originated. Plaintiff demands that ownership of all intellectual property related to the stage adaptation of *Between the World and Me* be transferred to Plaintiff immediately.

280. Plaintiff contacted several members of HBO's corporate communications team on May 14, 2022. Plaintiff alerted them of copyright infringement by defendant and HBO. Plaintiff never received a return correspondence. If Warner Bros. has not performed an internal investigation into defendant, then it should have. Plaintiff understands HBO is still broadcasting the theatrical production of *Between the World and Me*. Plaintiff demands a permanent injunction against the marketing and promotion of all books, articles, movies, music and sound recordings related to defendant.

281. Plaintiff demands that all intellectual property related to the theatrical production on HBO be transferred to Plaintiff immediately, including, but not limited to, music, books, comic books, sound recordings, motion pictures and the recorded document number V9984 D707 P1-3 owned by HBO and One Up Story, LLC.

282. Warner Bros. has shown a total disregard for U.S. copyright law. Plaintiff demands that the Court set a blackout period from 6PM to 2am, each night from Thursday through Sunday at HBO, HBO max and HBO.com for a minimum of 10 years. For the avoidance of doubt, that means no programming for HBO, HBO Max, and HBO.com during the blackout period.

#### **FOR THE CAUSE OF ACTION AGAINST MS. OPRAH WINFREY**

283. In November 2018 Ms. Winfrey appeared in HBO's theatrical production of *Between the World and Me*. Ms. Winfrey was a vigorous supporter of *The Water Dancer*. She added it to her

famous book club, the first in her partnership with Apple to provide content to Apple and Apple TV +, Apple's new streaming service.

284. Ms. Winfrey appeared in conversation with Coates at the Apollo in September 2019 to discuss *The Water Dancer*. Again, in September 2019 she appeared with Coates and her friend Gayle King on CBS to promote *The Water Dancer*.

285. Plaintiff understands Ms. Winfrey had a weekly discussion of *The Water Dancer* leading up to her interview with Coates on Apple TV + in November 2019.

286. Months later, it was revealed that Ms. Winfrey, Plan B, MGM, Kamilah Forbes, et. al, were teaming up for a movie adaptation of *The Water Dancer* – a derivative work.

287. In May 2022 Plaintiff sent a letter to Ms. Winfrey, alerting her of defendant's copyright infringement and demanding that she and Apple TV + cease and desist from (1) marketing and promoting and (2) producing and reproducing all books, movies, articles and music related to Coates. In June 2022 Plaintiff received a letter from Barry I. Slotnick of Loeb & Loeb, the litigation counsel for Harpo Productions and Ms. Winfrey. Litigation counsel indicated the broadcast interview with defendant was "legitimate news and commentary."

288. Plaintiff alleges that giving defendant a platform to purport that he wrote *The Water Dancer* independent of *Shock Exchange* is not legitimate news. Secondly, Mr. Slotnick never addressed the fact that Ms. Winfrey had a financial interest in the movie adaptation of *The Water Dancer*.

289. Plaintiff alleges Ms. Winfrey's financial interest in the movie adaptation of *The Water Dancer*, which defendant copied, represents copyright infringement. Plaintiff demands a permanent injunction against Ms. Winfrey promoting all books, music, comic books, sound recordings, and movies related to defendant, including *The Water Dancer*.

290. As a direct and proximate result of Ms. Winfrey's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

291. Ms. Winfrey engaged in unfair competition. Ms. Winfrey helped promulgate the notion that defendant was capable of writing *The Water Dancer*, the themes from *The Water Dancer* were original creations of defendant and not copied from *Shock Exchange*, that the dense, rhythmic prose in the book originated from defendant and was not copied from *Shock Exchange*. Plaintiff alleges that in promoting *The Water Dancer*, Ms. Winfrey was increasing the value of her financial interest in the movie.

292. Ms. Winfrey has shown a brazen disregard for U.S. copyright law. Plaintiff demands a permanent injunction on Ms. Winfrey from owning a copyright for any work of art – books, comic books, movies, theatrical productions, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, theatrical productions, music, sound recording, et. al. – that Ms. Winfrey is involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST APPLE**

293. In November 2019 Ms. Winfrey interviewed defendant about *The Water Dancer* for Oprah's Book Club. The event was held on Apple TV+, Apple's new streaming service. It was the first event ever held on Apple TV+.

294. Plaintiff alleges Apple gave Ms. Winfrey a platform to help her promote *The Water Dancer*, making Apple party to the alleged copyright infringement orchestrated by defendant and Ms. Winfrey.

295. Apple gained revenue and subscribers from the event with defendant and Ms. Winfrey. Apple also engaged in unfair competition. It helped brandish defendant's image and reputation as having created the story, the characters and the prose in *The Water Dancer* independent of *Shock Exchange*.

296. In May 2022 Plaintiff alerted Apple's general counsel of defendant's plagiarism and demanded that Apple cease and desist from marketing all books, music movies, sound recordings, comic books, et. al related to defendant. Plaintiff demanded that Apple remove the interview with defendant and Ms. Winfrey from its streaming service.

297. As a direct and proximate result of Apple's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

298. Plaintiff alleges that giving defendant a platform to purport that he wrote *The Water Dancer* independent of *Shock Exchange* is not "legitimate news and commentary."

299. Apple has shown a desire monetize to defendant's name, which Plaintiff alleges was built from years of copying content from *Shock Exchange*. Plaintiff demands an injunction against Apple providing any streaming services, including Apple TV+, for a minimum of 10 years.

#### **FOR THE CAUSE OF ACTION AGAINST PLAN B**

300. Plan B is adapting *The Water Dancer* for the screen. In June 2022 Plaintiff sent a letter to Brad Pitt at Plan B, alerting him of defendant's copyright infringement and demanding that Plan B cease and desist from (1) marketing and promoting and (2) producing and reproducing all books, movies, articles and music related to defendant. Plaintiff was alerted by United Parcel Service that the doorman at Plan B's location refused to accept his letter.

301. Plan B's financial interest in the movie adaptation of *The Water Dancer*, which defendant

allegedly plagiarized, represents copyright infringement. Plaintiff demands a permanent injunction against Plan B promoting all books, movies, music, comic books, sound recordings, and movies related to defendant, including *The Water Dancer*.

302. As a direct and proximate result of Plan B's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

303. Plan B has also engaged in unfair competition. Plan B helped promulgate the narrative that *The Water Dancer* and themes from *The Water Dancer* were original creations of defendant and not copied from *Shock Exchange* and the dense, rhythmic prose in the book originated from defendant. Plaintiff alleges that in promoting defendant, Plan B increased publicity for the movie and the value of its financial interest.

304. Plan B has shown a brazen disregard for U.S. copyright law. Plaintiff demands an injunction against Plan B from owning a copyright for a new work of art – books, movies, theatrical productions, music, sound recording, et. al. – for a minimum of 20 years. Plaintiff demands an injunction against Brad Pitt, Jeremy Kleiner, and Dede Gardner – owners and executives at Plan B – from owning a copyright for a new work of art or any project they are involved with from owning a copyright for a new work of art for a minimum of 20 years.

#### **FOR THE CAUSE OF ACTION AGAINST MGM**

305. MGM is adapting *The Water Dancer* for the screen. MGM's financial interest in the movie adaptation of *The Water Dancer*, which defendant allegedly plagiarized, represents copyright infringement. Plaintiff demands a permanent injunction against MGM promoting all books, movies, music, comic books, sound recordings, and movies related to the defendant, including *The Water Dancer*.

306. As a direct and proximate result of MGM's conduct, Plaintiff has been damaged in an

amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

307. MGM engaged in unfair competition. MGM helped promulgate the narrative that defendant wrote *The Water Dancer* independent of *Shock Exchange*, and the dense, rhythmic prose in the book originated from defendant. In promoting defendant's material, which Plaintiff alleges defendant plagiarized, MGM increased publicity for the movie and the value of its financial interest.

308. MGM has shown a brazen disregard for U.S. copyright law. Plaintiff demands an injunction against MGM from owning a copyright for a new work of art – books, movies, theatrical productions, music, sound recording, et. al. – for a minimum of 20 years. Plaintiff demands an injunction against any project MGM is involved with from owning a copyright for a new work of art for a minimum of 20 years.

#### **FOR THE CAUSE OF ACTION AGAINST DISNEY**

309. Through its Marvel Comics series *Black Panther*, *Black Panther and the Crew*, and *Captain America*, Disney published several comic books by defendant. *Black Panther: World of Wakanda* was written by defendant, Roxane Gay and Yona Harvey. Plaintiff alleges these comic books were plagiarized. The dialogue in the comic books was an attempt by defendants to copy Plaintiff's voice, cadence and unique literary writing style. These comic books constitute a gross and willful violation of Plaintiff's copyright.

310. Plaintiff alleges the *Black Panther* movie was plagiarized from *Shock Exchange*. The dialogue in the movie was an attempt by the screen writers – Ryan Coogler and Joe Robert Cole – to mimic Plaintiff's unique literary writing style and his cadence. The movie constitutes a gross and willful violation of my copyright.

311. The dialogue for all of the Marvel comics written by defendants was copied from *Shock Exchange*. Defendants attempted to write in Plaintiff's voice. They attempted to copy the sentence structure from *Shock Exchange*, arrange words the way Plaintiff arranged them, and copy Plaintiff's cadence.

312. The dialogue in the *Black Panther* movie was also copied from *Shock Exchange*. Plaintiff alleges Ryan Coogler and Joe Robert Cole attempted to mimic Plaintiff's cadence and replicate Shock Exchange rhythmic prose tedious talk.

313. The dialogue in the comic books is difficult to follow with no forward movement. All of the characters speak in the same voice – illustrating the dialogue is clearly contrived to replicate Shock Exchange rhythmic prose and tedious talk.

314. Plaintiff understands the screenplay for the *Black Panther* movie was written by Ryan Coogler and Joe Robert Cole. Plaintiff alleges all of the characters spoke in the same voice – illustrating the dialogue was clearly contrived to replicate Shock Exchange rhythmic prose and tedious talk.

315. In May 2022 Plaintiff sent a letter to Disney's general counsel, Horatio Gutierrez, alerting him of copyright infringement by defendants and Plaintiff was pursuing legal action against Disney.

316. In June 2022 Plaintiff received a letter from Munger, Tolles & Olson LLP, litigation counsel for Disney, Marvel and MVL Film Finance. Litigation counsel asserted there was no evidence defendants ever received or read *Shock Exchange*.

317. Plaintiff encouraged Disney to perform its own internal investigation into defendant, Ryan Coogler and Joe Robert Cole. Plaintiff impressed upon Disney and its litigation counsel the importance of ensuring the truth emerged.

318. As a direct and proximate result of Disney's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

319. Through their comic books and movies, Disney engaged in unfair competition with Plaintiff and *Shock Exchange*. Disney and its subsidiaries positioned defendant as having crafted a "unique literary writing style" and having crafted the dense, rhythmic prose included in its comic books. They have caused public confusion resulting in the wrongful believe that defendant, and not Ralph Baker and *Shock Exchange*, is the source of this dense, rhythmic prose.

320. Plaintiff demands an injunction against Disney and its subsidiaries from manufacturing, marketing and promoting all books, movies, music, articles, comic books, sound recordings, et. al, related to defendant, including *Black Panther*, *Captain America* and the *Black Panther* movie.

321. Plaintiff demands an injunction against Disney or its subsidiaries from manufacturing, marketing or promoting any new comic books or new movies for a minimum of 50 years. Plaintiff demands an injunction against Disney owning a copyright for any new work of art or derivative work for a minimum of 50 years. For the avoidance of doubt, this includes the new movie *Black Panther: Wakanda Forever*, expected to be launched November 11, 2022.

#### **FOR THE CAUSE OF ACTION AGAINST RYAN COOGLER**

322. Plaintiff understands Mr. Coogler was one of the screenwriters for the movie *Black Panther*. Plaintiff alleges the dialogue from the movie was plagiarized from *Shock Exchange*. Plaintiff alleges Mr. Coogler attempted write the dialogue in Plaintiff's voice. Mr. Coogler also attempted to mimic plaintiff's cadence. Mr. Coogler's actions represent copyright infringement.

323. Plaintiff demands that Mr. Coogler's social media accounts – Twitter, Instagram,

Facebook, Seeking Alpha ([seekingalpha.com](http://seekingalpha.com)) – be provided to him for review and used as evidence.

324. Mr. Coogler engaged in unfair competition. He caused public confusion resulting in the wrongful belief that he, and not Plaintiff or *Shock Exchange*, was the source of the dialogue in the *Black Panther* movie.

325. As a direct and proximate result of Mr. Coogler's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

326. Mr. Coogler has shown a total disregard for copyright law. Plaintiff demands a permanent injunction against Mr. Coogler owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – that Mr. Coogler is involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST JOE ROBERT COLE**

327. Plaintiff understands that Joe Robert Cole was one of the screenwriters for the movie *Black Panther*. Plaintiff alleges the dialogue from the movie was plagiarized from *Shock Exchange*. Joe Robert Cole attempted write the dialogue in Plaintiff's voice. He also attempted to mimic Plaintiff's cadence. Joe Robert Cole's actions represent copyright infringement.

328. Plaintiff demands that Joe Robert Cole's social media accounts – Twitter, Instagram, Facebook, Seeking Alpha ([seekingalpha.com](http://seekingalpha.com)) – be provided to him for review and used as evidence.

329. Joe Robert Cole engaged in unfair competition. He caused public confusion resulting in the wrongful belief, that he, and not Ralph Baker or *Shock Exchange*, was the source of the dialogue in the *Black Panther* movie.

330. As a direct and proximate result of Joe Robert Cole's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

331. Joe Robert Cole has shown a total disregard for copyright law. Plaintiff demands a permanent injunction against Joe Robert Cole from owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – that Joe Robert Cole is involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST ROXANE GAY**

332. Plaintiff understands that Ms. Gay co-wrote the Marvel comic book *Black Panther: World of Wakanda* with other defendants. Plaintiff alleges the dialogue from the comic books was plagiarized from *Shock Exchange*. Plaintiff alleges Ms. Gay attempted write the dialogue in Plaintiff's my voice. Plaintiff alleges Ms. Gay attempted to mimic his cadence. Ms. Gay's actions represent copyright infringement.

333. Plaintiff demands that Ms. Gay's social media accounts – Twitter, Instagram, Facebook, Seeking Alpha ([seekingalpha.com](http://seekingalpha.com)) – be provided to him for review and used as evidence.

334. Ms. Gay engaged in unfair competition. She caused public confusion resulting in the wrongful belief, that she, and not Ralph Baker or *Shock Exchange*, was the source of the dialogue in the comic book.

335. As a direct and proximate result of Ms. Gay's conduct, Plaintiff has been

damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

336. Ms. Gay has shown a total disregard for copyright law. Plaintiff demands a permanent injunction against Ms. Gay owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – that Ms. Gay is involved with or associated with also be precluded from receiving a copyright.

#### **FOR THE CAUSE OF ACTION AGAINST YONA HARVEY**

337. Plaintiff understands that Ms. Harvey co-wrote the Marvel comic book *Black Panther: World of Wakanda* with other defendants. Plaintiff alleges the dialogue from comic books was plagiarized from *Shock Exchange*. Plaintiff alleges Ms. Harvey attempted to write the dialogue in his voice and mimic his cadence. Ms. Harvey's actions represent copyright infringement.

338. Plaintiff demands that Ms. Harvey's social media accounts – Twitter, Instagram, Facebook, Seeking Alpha ([seekingalpha.com](http://seekingalpha.com)) – be provided to him for review and used as evidence.

339. Ms. Harvey engaged in unfair competition. She caused public confusion resulting in the wrongful belief, that she, and not Ralph Baker or *Shock Exchange*, was the source of the dialogue in the comic book.

340. As a direct and proximate result of Ms. Harvey's conduct, Plaintiff has been damaged in an amount to be determined at trial. In addition to actual damages and profits or statutory damages, Plaintiff is entitled to recover the costs and reasonable attorneys' fees incurred in this action.

341. Ms. Harvey has shown a total disregard for copyright law. Plaintiff demands a permanent

injunction against Ms. Harvey owning a copyright for any work of art – books, comic books, movies, music, articles, sound recordings, et. al. Plaintiff demands that any artistic works – books, comic books, movies, music, sound recording, et. al. – that Ms. Harvey is involved with or associated with also be precluded from receiving a copyright.

**FIRST CAUSE OF ACTION**

**Direct Copyright Infringement (17 U.S.C. § 101 et seq.)**  
**(Against All Defendants)**

342. Plaintiff repeats and realleges each allegation above as if fully set forth herein.
343. *Shock Exchange* is original, creative, and copyrightable subject matter under the laws of the United States.
344. The owner of *Shock Exchange* is the Plaintiff Ralph W. Baker, Jr.
345. The copyright in *Shock Exchange* is registered, and the Copyright Office has issued valid Certificates of Registration for the *Shock Exchange*.
346. By its actions, alleged above, defendants have infringed and will infringe the publishers' copyrights in and to *Shock Exchange* by, inter alia, reproducing, distributing, publicly displaying, publicly performing, and making derivative works of the works without any authorization or permission from Plaintiff.
347. Each infringement of the rights of Plaintiff in one of the works or *Shock Exchange* constitutes a separate and distinct act of infringement.
348. Defendants' infringement of Plaintiff's copyrights, including the Plaintiff's works or *Shock Exchange*, is willful.
349. Upon information and belief, as a direct and proximate result of its wrongful conduct, defendants have and will obtain benefits, including, but not limited to, profits to which

defendants is not entitled.

350. As a direct and proximate result of defendants' wrongful conduct, Plaintiff has been, and will continue to be, substantially and irreparably harmed in an amount not readily capable of determination. Unless restrained by this Court, defendants will cause further irreparable injury to Plaintiff.

351. As a direct and proximate result of defendants' infringement, Plaintiff is entitled to recover statutory damages, pursuant to 17 U.S.C. § 504(c), with respect to each work infringed. Alternatively, at the election of Plaintiff, pursuant to 17 U.S.C. § 504(b), Plaintiff is further entitled to recover from defendants the damages he has sustained and will sustain, as well as any gains, profits and advantages obtained by defendants because of their acts of infringement alleged above. At present, the amount of such damages, gains, profits, and advantages cannot be fully ascertained by Plaintiff.

352. Plaintiff is entitled to recover his attorney's fees and costs.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Ralph W. Baker, Jr., respectfully requests judgment against

defendants as follows:

353. Declaring that the practices of defendants in connection with *Shock Exchange* constitute willful copyright infringement.

354. Issuing a preliminary and permanent injunction enjoining defendants, and its agents, servants, employees, attorneys, successors and assigns, and all persons, firms and corporations acting in active concert or participation with it, from directly or indirectly reproducing, distributing, publicly displaying, creating derivative works, otherwise infringing, or causing, enabling, facilitating, encouraging, or inducing the reproduction, distribution, public display, creation of derivative works, or other infringement of, any of the respective copyrights owned or exclusively controlled, in whole or in part, by Plaintiff, whether now in existence or hereinafter created, and ordering that all unlawful copies be destroyed;

355. Entering judgment for Plaintiff against for statutory damages in an amount based upon defendant's willful acts of infringement of *Shock Exchange*, as alleged above, pursuant to the Copyright Act, 17 U.S.C. §§ 101, et seq.

356. Entering judgment for Plaintiff against defendants for statutory damages in an amount based upon defendants' willful acts of infringement of *Shock Exchange*, as alleged above, pursuant to the Copyright Act, 17 U.S.C. §§ 101, et seq.

357. Awarding Plaintiff the costs and disbursements of this action, including reasonable attorney's fees, pursuant to 17 U.S.C. § 505.

358. Awarding Plaintiff pre-judgment and post-judgment interest, to the fullest extent available, on the foregoing; and

359. Granting such other further and different relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

360. Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a jury trial on all issues so triable in this action.

**Dated:** September 19, 2022

**RALPH W. BAKER, JR. – PLAINTIFF**

Ralph W. Baker

9/19/22

Name:

Date:

## EXHIBIT A

In one of the most obvious examples of arrogance and disdain, in *The Water Dancer* defendant openly bragged about stealing Plaintiff's identity, copying his unique literary writing style and masking the piracy.

### *The Water Dancer*

"But I have not let them dictate to me, Hiram," she said, holding the envelope. "And I have not simply read, my boy. I have learned their language and custom – even those that should be beyond my station, especially those that should be beyond my station, and that has been the seed of my liberty."

She walked over and placed the package before me.

"Open it," she said.

This I did and found inside of it a life of a man. There were letters to family. There were authorizations. There were certificates of sale.

"This is yours for the week," she said. We can't hold on to this man's effects forever. What we have here is a selection, random enough so that its absence should not alarm him."

"And what am I to do?" I asked.

"Learn him, of course," she said. "This is a lesson in their customs. A way of comprehending all of those things beyond your station. He is a gentleman, of some education and schooling, as are many of the great slave-holders in this country."

I must have looked confused because Corrine now said, "What do you think you've been studying down here?"

I said nothing. She continued on, "What we do is not idle exercise, nor Christian improvement. First you learn what they know, in the general. And then you learn them in the specific – their words and their hand. Own the man's especial knowledge and you shall own the measure of the man. Then you might fashion the costume, Hiram, and make it yours to fit."

I began to study the very next day. Quickly I ascertained that all the documents were drawn up by the same hand. Studying them, a portrait began to emerge. From the artifacts of the author's life – the balance of his ledgers, his communications with his wife, his journal entries upon certain deaths, the accounting off consecutive harvests –

the man, in all his traits and foibles, was summoned before me. I saw his daily habits, his routines, his particular philosophy, and by the final hour, having never known him, I could render nearly all his features.

Corrine met me again, a week later, in the library. I provided her with all I had ascertained, and under her rigorous interrogation, I provided even more. What was his wife's favorite flower? How regular were their departures? Did this man love his father? Had he yet turned gray? Where did he stand in society? And how ancient was his fortune? Was he given to the infliction of random cruelties? I responded to every query – I had, with my gift of memory, inhaled all the facts of the man's life. But Corrine pushed on to questions that went beyond the facts that might be committed to memory to matters of interpretation. Was he a good man? What did he covet in life? Was he the sort to revel in perceived wrongs? The next night she picked up this line of inquiry and pushed me to construct the man down to the last loose thread of his waistcoat. On the following night of interrogation, I found that the more speculative questions came easier, and then by the last night they were so easy that I felt them to be matters of my own life. And that was the point of it all.

"Now," she said. "You have read well enough to know this man to be in possession of a particular property of which he is most fond."

"The jockey, yes." I replied. "Levity Williams."

"The same," she said. "This man will need a day-pass for the road, a letter of introduction for the further portion, and finally free papers signed by his master. You will provide these."

She pulled from the case a tin and handed it to me. Opening it, I saw a fine pen, and by handling, it, I knew it was the same weight as the one often employed by the object of my study.

"Hiram, the costume must fit," she said. "The day-pass must be done with the same hurried disregard, the letters must have all that official flourish, and the freedom papers the same arrogance that is surely the right of these vile people."

There was still the practical fact of copying his signature and penmanship. But here my memory and gift of mimicry triumphed. It was no different than what I'd done all those years ago, when Mr. Fields showed me the image of the bridge. Harder were the man's beliefs and passion, and my ability to covey them with confidence and ease, as though they were my own. I never forgot that lesson. It was essential to what I became, to what I unlocked and saw.

I don't know if those documents ever loosed Levity Williams. Everything we did was done under so much secrecy. But still, in forging these documents I felt something new arising in me and the new thing was power. The power extended out from my right

arm, projected itself through the pen, and shot out through the wilderness, right at the heart of those who condemned us.

Soon this became a regular labor. Every few weeks, Corrine presented me with a new package. And each week I fitted myself to the costume, so that when I finished, I was sometimes unsure of where I ended and the Taskmaster began ... I nearly loved them. My work demanded no less: I must reach beyond all my particular hatred and pain, see them in their fullness, and then, with my pen, strike out and destroy them . . .

And we did much more than that. We returned the documents edited and augmented. Our forgeries encouraged feuds. We altered inquests. We lent proof of fornication. My anger was now free and ranged beyond Maynard and my father, aimed now at all Virginia, an anger I sated each night, under the lanterns, at the long library table.

P. 166-169<sup>1</sup>

## EXHIBIT B

Below are side-by-side comparisons of prose from *The Water Dancer* versus *Shock Exchange*.

<i>The Water Dancer</i>	<i>Shock Exchange</i>
<p>(I) It was an unusual request to make to a tasking man, but was not so unusual between us, at moments when it was only us, and each day it seemed there were moments like this. He'd sold off half the kitchen staff in the past year. The smithy and the carpentry workhouse were empty now. Carl, Emmanuel, Theseus, all the other men who once tasked there had been sent off Natchez-way. The ice-house had been fallow for two years. One maid, Ida, worked the entire house, which meant the order that I remembered from childhood was no more, but more than that, meant the warm smile of Beth and the laugh of Leah and the sad, vacant eyes of Eva were no more.</p> <p>P.42</p>	<p>And from then on Grandma had a rule, "If that boy don't play, nobody plays!"</p> <p>To this day my cousins describe me as the 'demon' that could do no wrong. Grandma had about 20 grandkids, 17 great-grandkids and kept two or three foster kids from time to time. Add in some additional kids from the neighborhood and there was an army of us. The activities went around the clock. And whatever games were going on, all you heard was, 'Let that boy play.' If there was a basketball game going on and my older cousins blew me off, I ran into the house to tell Grandma. She would come outside and take the ball away until they let me shoot a few times, or let me stand on the court and give the illusion as if I was actually playing. We also played softball or 'tennisball.' And of course I had to play. At two or three years old I could barely hold a bat but they had to stand there and pitch to me until I finally connected. Then I cried if I got out. Grandma would come outside and tell my cousins to put me back on base. They would put me on base to give the illusion as if I was "safe" when I was really 'out.' When we played football I had to be 'Number 43' for Larry Brown, the All-Pro running back for the Washington Redskins. Larry Brown was my hero and if I could not be #43 then I was not playing. And if I wasn't playing, nobody was going to play. I would hold up games for 15-20 minutes at a time with my nonsense.</p> <p>P.14</p>
<p>(II) I first went to my room, washed, put on a set of clothes, the wound my way up the back stairs until I emerged in the central corridor, and then, walking down the</p>	<p>Whenever someone broke one of her rules you knew the penalty – the switch. She would make you go into the woods and pick your own. Now there was a strategy to this.</p>

<p>corridor, found my father standing, as if he'd been waiting for me. Behind him, I saw Maynard seated at a desk writing and a gentleman standing over him. The gentleman was Mr. Fields, who tutored Maynard three times a week. He were a look of pained frustration, and Maynard's own face was stricken.</p> <p>My father smiled at me, but this does not convey the look he gave, because my father had a variety of smiles – smiles of displeasure, or disinterest, or shock and amazement – indeed he smiled so much it made him hard to read, but I knew the smile I saw that morning because it was the same smile I'd seen, mere months ago, down near the Street, down in the fields where he'd flicked me the copper coin.</p> <p>P.30</p>	<p>The bigger the switch, the more stable it was, the more it would hurt, and the longer the beating would last. However, if you did not get a big enough switch Grandma would have Mr. Allen, the man she remarried later in life, go get one. And he would come back with an entire tree branch. Once my cousin returned with the switch, Grandma would examine it for length, thickness, and flexibility. Mr. Allen would add his two cents and no matter how long or thick the switch was, he always felt it was inadequate. Once the switch had passed inspection, the beating would begin. After hearing (never seeing) what took place next, that was the best advertisement Grandma needed as to what happened when you crossed her.</p> <p>One way to avoid the switch was to keep Grandma in a good mood.</p> <p>P.15</p>
<p>(III) There I was, my own life dangling over the black pit, and now being called to save another. I had, on many occasions, tried to teach Maynard to swim, and he took to this instruction as he took to all instruction, careless and remiss at the labor, the sore and bigoted when this negligence bore no fruit. I can now say that slavery murdered him, that slavery made a child of him, and now, dropped into a world where slavery held no sway, Maynard was dead the minute he touched the water. I had always been his protection. It was I, only by good humor, and debasement, who had kept Charles Lee from shooting him; and it was I, with special appeal to our father, who'd kept him countless times from wrath; and it was I who clothed him every morning; and I who put him to bed every night; and it was I who was now tired, in both body and soul; and it was I, out here, wrestling against the pull of the current, against the fantastic events that had deposited me there, and now wrestling with the demand that I, once again, save</p>	<p>I spent several nights up until 1 a.m. – 2 a.m. with a book, a thesaurus and flashlight (so as not to wake up Dwayne and Mark). I went lindy hopping with Malcolm Little, tried to remake myself with Jay Gatsby, and screamed "run black boy, run!" at Bigger Thomas ...</p> <p>I frankly did not think Wright's Bigger character was realistic because no black person could have possibly been that dumb. Every black person I knew would have left her drunk behind on the floor and gone back to work. The man was hired as a driver only. Helping his employer's drunken daughter to her room was not part of his job description. Then Ms. Justice wanted to know if I were in Bigger's position, would I have confessed to accidentally murdering the girl instead of fleeing. Frankly, I was insulted.</p> <p>My response was, "That could not happen to me because I am not a fool. If there was a commotion in the West Wing, then I would</p>

<p>another, when I could not even conjure the energy to save myself.</p> <p>P.7</p>	<p>have been in the East Wing with Sue Ellen and J.R. If there was a commotion in the East Wing, then I would have been in the West Wing with Pam and Bobby. I would have made it my business not to be where the trouble was brewing." Interestingly enough, the class was split along racial lines. The white students thought Bigger should have turned himself in because Mary's death was an accident. The African-American students thought the situation was hopeless and Bigger was as good as dead. I opted for "run black boy, run!"</p> <p>P.34 - P.35</p>
<p><b>(IV)</b> But knowing now the awesome power of memory, how it can open a blue door from one world to another, how it can move us from mountains to meadows, from green woods to fields caked in snow, knowing now that memory can fold the land like cloth, and knowing too, how I had pushed my memory of her into the "down there" of my mind, how I forgot, but did not forget, I know now that this story, this Conduction, had to begin there on the fantastic bridge between the land of the living and the land of the lost.</p> <p>P.4</p>	<p>She ruled more with the "carrot" than the "stick." It was not just what she did, but how she did it. First of all, she would always make us peanut butter and jelly sandwiches for lunch. She always bought the crunchy peanut butter because that's what we liked. She would then cut the sandwiches diagonally across the corners, making two triangles. For your birthday would bake you a cake in any style you liked; she had 11 grandchildren in Farmville, which equated to 11 birthday cakes a year. And whenever you would cut your leg or hand from playing outside or falling off your bike, she would put hydrogen peroxide on it instead of alcohol because peroxide didn't sting. It seems insignificant now but to a child that stuff was important. You would never play with reckless abandon if you knew that the alcohol was waiting for you.</p> <p>P.10</p>
<p><b>(V)</b> Finally, Mr. Fields pulled a sheet of paper from his satchel, and then he pulled out a book filled with drawings. He turned to a drawing of a bridge and he told me to look at it, to concentrate on it, and after a minute, he closed the book, handed me a pen, and told me to draw the bridge myself. I had never done anything quite like this, and unsure of Mr. Field's intentions, and knowing, even then, that the Quality resented the pride of the Tasked, unless that</p>	<p>Whenever he came home from work Sharmane usually met him in the driveway before he could get out of the car ... Grandpa was seemingly in three states – going to work, at work, or coming from work. We never saw him except for on weekends. He worked the night shift for decades and I never once heard the man complain. He did whatever he had to do in order to provide for his family. As much as he was a killjoy, he definitely had our</p>

<p>pride could be fitted to their profit, I gave him a puzzled look, and pretended that I did not quite understand. He repeated himself, and then watched as I took the pen, gingerly at first, and began my sketch. For effect, I would glance up, as though straining to recall the picture in my mind. But there really was no need to recall, for it felt to me that the bridge was right there, on the blank paper, and all I need do was trace the lines to reveal it. So I traced the stony arch, the small opening at the right end, the arch over-top, the rocking outcropping in the back and the tree-filled ravine over which the bridge spanned.</p> <p>P.32</p>	<p>respect. He worked hard and was a man of means.</p> <p>He had a tractor, an antique truck, a pickup truck, and a "Deuce and a Quarter," or what the rest of America affectionately referred to as an Electra 225. Back in the day, a black man with a Cadillac or a Deuce and a Quarter commanded respect. He kept it so clean that we didn't even want to put our feet on the floor for fear it would leave a speck of dirt.</p> <p>P.12</p>
<p><b>(VI)</b> I lived with Thena for a year and a half before I got to the precise root of her rage. On a warm summer night I awakened from the small pallet I maintained up in the loft of the cabin by loud moaning. It was Thena, talking in her sleep. "It's fine, John. It's fine." And she spoke this with such clarity that when I first heard it, I thought she was speaking to someone present. But when I looked down from the loft, I saw that she was sleeping. I had already gotten into the habit of leaving Thena with her ghosts, but the more she spoke, the more it seemed to me that this time she was in distress. I climbed down to rouse her. As I got closer, I heard her moaning and talking: "It's fine, fine, I told you. Fine, John." I reached out and pulled on her shoulders, shaking it until she awoke with a start.</p> <p>P.15</p>	<p>She ruled more with the "carrot" than the "stick." It was not just what she did, but how she did it. First of all, she would always make us peanut butter and jelly sandwiches for lunch. She always bought the crunchy peanut butter because that's what we liked. She would then cut the sandwiches diagonally across the corners, making two triangles. For your birthday would bake you a cake in any style you liked; she had 11 grandchildren in Farmville, which equated to 11 birthday cakes a year. And whenever you would cut your leg or hand from playing outside or falling off your bike, she would put hydrogen peroxide on it instead of alcohol because peroxide didn't sting. It seems insignificant now but to a child that stuff was important. You would never play with reckless abandon if you knew that the alcohol was waiting for you.</p> <p>P.10</p>

<p><b>(VII)</b> That night I dreamed that I was out in the tobacco fields again, out there with the Tasked, and we were, all of us, chained together and this chain was linked to one long chain and at the end of it stood Maynard, idling lost in his own thoughts, almost unaware that he was holding all of us in the palm of his hand. And then I looked around and saw that I was old, that I was an old man, and when I looked back I saw Maynard, not as the young man I knew, but as a baby crawling in a bowling green, and then I saw the Tasked slowly disappearing before me, their familiar faces and bodies fading, one by one, until it was only me, an old man held and chained by a baby. Then everything fell away, the chains, Maynard, the field itself, and I was enveloped in the blackness of night. And then the black branches of a forest sprang up around me, and I was alone, and afraid and lost until looking up I saw a silver moon, and then the heavens blinked out from blackness, and among them I could distinguish Ursa Minor, the mystical bear who secreted away the old gods. I knew this because Mr. Fields had shown me a star map on our last day together. And looking at the tail of the bear, I saw something else: the mark of my future days, wreathed in brilliant but ghostly blue, and the mark was the North Star.</p> <p>P.44</p>	<p>By 8 p.m. everybody had cleared out, but I would keep shooting until it got dark. That was less efficient because I first had to shoot the ball, and then go find it. Eventually Grandma put up a street light so I wouldn't have to shoot in the dark anymore ... bless her heart! I then shot until 1 a.m., sometimes 2 a.m. in the morning. People in the neighborhood thought I was crazy. They would drive to work in the morning while I was shooting and then return home in the afternoon while I was shooting. They would go out in the evening while I was shooting and around midnight or so, a car would slow down and then come to a complete stop. The driver would watch in amazement at me still shooting. People originally thought I was peculiar, but it soon became odd when I was not out there.</p> <p>Suzie would all Up the House at 9 p.m., the midnight to check on my whereabouts. Heck, I thought she was peculiar, for where else would a teenage boy be at midnight during summer vacation? By 1 a.m. she would tell me to come home but I would stay an extra hour anyway.</p> <p>P. 35-36</p>
<p><b>(VIII)</b> I was of the age when it was natural to seek out a wife, but by then I had seen tasking women promised to tasking men, and then seen how such "promises" were kept. I remember how these young couples would hold one another, each morning before going to their separate tasks, how they would clasp hands at night, sitting on the steps of their quarter, how they would fight and draw knives, kill each other, before without each other, kill each other, because Natchez-way was worse than death, an agony of knowing that somewhere in the vastness of America, the one whom you</p>	<p>There was always something going on Up the House, like some big-time family gathering or activity. For Mother's Day the boys took on the girls in a family softball game. The boys won of course, but this nonsense was a spectacle. You always knew whose mother was at bat because the kid would stare at the ground out of embarrassment or try to hide behind a tree. First of all, my mother hit from the left side of the plate. I mean, who does that? Then she pulled her right leg out before swinging, as if she was afraid to get hit by the ball. You were supposed step toward the pitcher,</p>

<p>loved the most was parted from you, never again to meet in this shackled, fallen world. That was the love the Tasked made, and it was that love that occupied my thoughts when time came to tend to Maynard.</p> <p>P.46</p>	<p>that way you generate more power when swinging through the ball. Who didn't know that? Then she couldn't make contact with the ball ... embarrassing! It took her about 10 swings before she could ever put the ball in play and that was usually a weak ground ball. We would pretend to misplay the ball so she could get on base. Every year the boys would destroy the girls.</p> <p>P.17</p>
<p><b>(IX)</b> But I had not been brought to the Underground for vengeance, nor even mere forgery, but for the power I was believed to bear. If we could only learn to trigger it, to control it and harness it. There was one who knew, one like me, but unlike me she had mastery of this power. In her section of the country, she had become so beloved and famed for fantastic exploits that the coloreds of Boston, Philadelphia, and New York had given her the name Moses. The power she wielded had been dubbed "Conduction" – the same word Corrine used to describe my own power – for how it "conducted," seemingly at will, the Tasked from shackled fields of the South to the free land of the North. But this Moses kept her own counsel and declined to give the Virginia Underground any notion of how she worked. And so I was left to my own devices, or more properly stated, I was left to their devices.</p> <p>P. 170</p>	<p>I was pretty rambunctious as a toddler and apparently was so out of control that they had to tie my stroller to a table leg to keep me from getting away. Well that rambunctiousness caught up with me eventually ...</p> <p>While Ana Mae and Joe had clearly defined rules in place, I was untouchable Up the House. My rambunctiousness sometimes crossed the line and my mother made a concerted effort to put me back in line.</p> <p>P.12 and P.14</p>
<p><b>(X)</b> I don't know that it I about me that made people want to unburden themselves. But I knew from her mention of Parnel Johns's family where we were going. And so we went.</p> <p>P.182</p> <p>"Get down here," he said again. And it occurred to me what he meant. I was to un too. I had just that year been bought out of</p>	<p>And so it went. My Daddy spent most of his summers and weekends devising ways to torture me, and I devised ways to get out of it.</p> <p>P.23</p> <p>And so it went. I spent several nights up until 1 a.m. - 2 a.m. with a book, a thesaurus and a flashlight (so not to wake up Dwayne and Mark). I went lindy hopping with</p>

<p>my lesson with M. Fields. I remember the eyes of everyone assembled directed toward me, and what I saw in them was both sympathy for me, perhaps, unearned, and disgust for Maynard. So I was lined with three of the others and off we went in the August heat to the edge of the field. P.139</p> <p>That I followed, and did not question, tells you exactly how much faith I had in Harriet by then. She was our Moses and I believed even in my fear that she would somehow split the sea that now stood before us. So I walked. P.271</p>	<p>Malcolm Little, tried to remake myself with Jay Gatsby, and screamed “run black boy run!” at Bigger Thomas. P.34</p>
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In *Shock Exchange* Plaintiff gave colorful descriptions of people or things. Below are similarities with *The Water Dancer*.

<i>The Water Dancer</i>	<i>Shock Exchange</i>
<p>(XI) He laid these rounds on the table face-up, asked me to look at them for a minute, and then he turned the rounds over so their blank bottoms showed. And when he asked me to find the round with a portrait of the old man with a long nose or the pretty girl with long locks or the one with the bird perched on the branch, it was as though he'd never turned them over, and they were right there facing me.</p>	<p>And everybody had a picture of Jesus, the two white guys and the black guy hanging on their wall. Grandma said that Jesus died to save us humans on earth and the two white guys were the Kennedys and the black guy was Martin Luther King, Jr. They died trying to help black folks.</p>
<p>P.31</p>	<p>P.12</p>
<p>The driver stepped off and nodded to the ordinary man, who then beckoned me to board the wagon.</p>	<p>My sophomore year in high school (1983) the Prince Edward County school system invested in about eight K-Cars from Chrysler to be used for Drivers Education (Drivers Ed). We figured they must have gotten them for a steal because they had bought so many, and they were hideous – bright, yellow, box-shaped K-Cars. They were put on display outside the school and the kids would just gawk at them as the bus drove past ...</p>
<p>P.141</p>	<p>As he talked I could see a tractor-trailer in my rearview, but it was a pretty safe distance away. There was only one</p>
<p>I turned and saw a colored man in gentleman's clothes before me.</p>	
<p>P.189</p>	
<p>I looked up and saw the colored man smiling at me. He was perhaps ten years my</p>	

<p>senior and regarded me with a look of pure kindness. P.193</p>	<p>problem, however. I could not get the bright yellow box-shaped K-Car to start! I tried to stay calm but I was literally scared to death. Again, Coach Scott goes, "Baker, start the car." I tried everything, but to no avail. By now you could hear the truck driver blowing the horn behind us. My mind started racing – I figured that by the time he realized the bright yellow K-Car shaped like a box had stalled, it would be too late for him to hit the brakes and he would kill us all. I saw my life flash before my eyes and realized how at age 16, I had actually lived a pretty good life. Coach Scott then yelled, "Baker! Get up!" He made me hop in the passenger side while he took the reins. Embarrassing! There was a girl in the backseat, Brenda, who was literally laughing her rear end off. Like magic, Coach Scott got the bright yellow K-Car with the box shape to start and pulled off just in time to avoid the tractor-trailer ...</p>
	<p>When we arrived back at school I swore Brenda to secrecy. But as always, bad news has a way of reverberating throughout the black community. The kids went wild with talk of "Ralph I heard you can't drive" and "Yo man you still alive? I heard you got Brenda and Coach Scott killed." I retold the story about how the bright yellow K-Car with the box shape stalled in the middle of the road, going 50 miles an hour no less. But everybody found the story too incredible to believe. Who had ever experienced a car doing that? Nonetheless, I was witness to what America was about to find out – the K-Car was a piece of trash.<sup>34</sup></p> <p>The Third Rail sourced the transaction for GECC; I had worked with him twice before. On one of the deals we flew to Dayton, Ohio for two days of due diligence. It was an hour's drive from the airport to the company and the guy did not say a word. And when he did speak all he did was complain. He also had a serious issue with the Dillon Read</p>

	<p>analyst representing the target company. The analyst had worn a double-breasted suit during the meetings, which the Third Rail thought was a serious faux pas. He fumed something to the effect of, "Did you see that kid with that double-breasted suit? You must at least be a managing director to wear a double-breasted suit."</p> <p>P.104-105</p>
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Below are similar passages between *The Water Dancer* and *Shock Exchange*. Defendant also attempted to write these passages in *Shock Exchange* rhythmic prose and tedious talk, and tried to replicate the pacing and certain features of Plaintiff's voice.

<i>The Water Dancer</i>	<i>Shock Exchange</i>
<p>(XII) I drove Corrine in a carriage, one Saturday, and recalled all that I felt while taking Sophia to meet my uncle. But no blue light of Conduction came to me, and when I finished my story, though my hosts might well be riveted and my own heart in tatters from memories, I was always exactly where I had begun.</p> <p>The afternoon after the drive, after another aborted attempt at Conduction, Corrine and I walked together up to the main house and into the dining area. Mr. Fields and Hawkins were there drinking coffee. They greeted us both and then departed. Summer was well upon us with its long days, which meant less cover for our rehearsals. I remember the earth waking up that year and the transcendent feeling that I was waking up with it. But still no Conduction.<sup>182</sup></p> <p>She clawed at his eyes. She caught his ear in her teeth. He yelled with pain. Soon others came, overtook her, threw her to the ground, kicked her, spat upon her. I did nothing. Understand that I saw all of this and I did nothing. I watched these men sell children</p>	<p>In any other year I would have been a shoe-in to make the team. However, the school had just gotten rid of the eighth graded and freshman basketball team, so JV was my only option. It had been unheard of for an eighth grader to play JV but Don White, Luther White and Rodney Vaughan and I set out to change that.</p> <p>The last day of tryouts Coach Scott said he would come by our classroom to inform us if we got cut. If you did not see him then you knew you made the team. The next morning, the kids swore that Coach Scott had asked me to come by his office to talk about something. I ignored them. By sixth period I was on pins and needles; Mrs. Faggins' English class seemed to last five hours. I stared at the door awaiting the axe, but still no Scott.<sup>183</sup></p> <p>Mr. Obama was trying to convince the world that the infrastructure idea had come to him through a séance with FDR. Did he have a giant weegie board hidden somewhere in the White House? Ironically, FDR was most known for Wall Street</p>

<p>and beat a mother to the ground, and I did nothing. P.135</p>	<p>reform and breaking up the banks into commercial banks and investment banks. For his efforts, FDR was labeled a traitor to his class – the monied class – by Wall Street sympathizers. Secondly, in giving the credit for his grand plan to FDR, an icon who the country revered, it still struck me as an attempt to curry favor with white voters. “President Obama conveniently failed to mention the true source of his idea to invest in roads and bridges to spur the economy,” I surmised. The deterioration in the U.S. economy had materialized when Mr. Obama was still Senator Obama. The article would imply that all along, Mr. Obama had the key to solving the country’s economic malaise, yet kept “the infrastructure idea” to himself. As Senator, he had the ability to put the plan into place, but still he kept quiet. P.177</p>
<p><b>(XIII)</b> “New around here, aren’t you?” I looked up and saw the colored man smiling at me. He was perhaps ten years my senior and regarded me with a look of pure kindness. I must have recoiled at his question, because he said, “Don’t mean to snoop. In fact not snooping at all. I can see it in all the new ones. Just dazzled by the smallest things. It’s okay, son. Nothing wrong with being new. Nothing wrong with being dazzled.” I said nothing.</p> <p>“Name’s Mars,” the man said. “This is my place. Me and my Hannah. You from over near Ninth Street, right? Staying with Otha over there? Raymond and Otha – they both my cousin – blood to my dear Hannah – and you with them, so that make you family to me.” Still I said nothing. P.193</p> <p>She was silent for a few moments. When she next spoke, her quavering voice was an iron rod. “You told none of this to Master Howell?” she asked.</p>	<p>From the day I started the Shock Exchange other coaches have tried to “recruit” my players. The incident with the Brooklyn Bears and Coach William has been a common occurrence. I have always told my players not to speak to other coaches when they are wearing my uniform. Once, I received a call from a coach concerning my big man. He wanted to take the kid with them to the AAU Nationals in Hampton, Virginia but I told him “no.” He sold the gesture as “excellent exposure for my big man.” Again, I told him “no.” I knew that once he built a relationship with the kid I would never see him again. P.134</p>

<p>"No ma'am," I said. I have sparred him the details, for the very name of his departed son is hard upon his ears. The story grieves us all, I say it only now because you have to heartily requested and I hope that it shall bring you some portion of peace."</p>	
<p>"Thank you for this," she said. "You do yourself more credit than you know." Again, she said nothing for the moment. P.86</p>	
<p>"Doubtful," I responded. "Doubtful that you are him, certainly," he said. "But I have marked you and know that you are about his age and bear that taint he must surely wear. We are parted from each other, but at night when I dream of him, I dream of a man betrayed. And that man wears a look much like you." I said nothing. P.128</p>	
<p>(XIV) I thought back to Lockless, and all my loved ones, and right there in the middle of the misty river I saw Thena, on wash day, an old woman heaving the large pots of steaming water and, with the last of her powers, threshing the garments until they were damp and her hands were raw. And I saw Sophia in her gloves and bonnet, like a woman of mastery, because that is what her task required of her, and I watched, as I had so many times before, as she hiked the bell of her dress to her ankles and walked down a back-path to see the man who held her chained ... And I saw my aunt Emma, who worked the kitchen all those years, walking past with a tray of ginger cookies for all he assembled Walkers, though none of her or any of her kin. Perhaps my mother would be there, and then, at the speed of thought, I saw her flittering, before my eyes, water dancing in the ring.</p> <p>P.8</p>	<p>Within five minutes of the train's departure, Lake Geneva appeared, and it got wider and wider, longer and longer. The sun began to set and I understood what the big deal was all about. It was literally the most beautiful sight I had ever seen. There was a woman and her young son sitting next to me. The kid was whining and would not keep still. I stayed quiet but thought to myself, "Boy you had better calm down before you get some tea." I suddenly realized what a long way from home I was and wondered, "How in the heck did I get here?" I also wondered if I would ever see Farmville again. Yet the Farmville I longed for was that of my youth – softball games on Mother's Day or singing at Mercy Seat while Annie Mae looked on approvingly. The little boy was still crying and acting up while the mother shouted something in a foreign language. The Swiss speak about five different languages, but whatever she was saying, I was certain it involved some "tea." Lake Geneva seemed as if it would go on forever. I thought what</p>

	<p>a shame it was that everybody from Farmville did not get the opportunity to see the sun set over Lake Geneva. And then it happened! The little boy received his tea and in an instant, I was back in Farmville, waiting for Grandma to save me from Suzie.</p> <p>P.113</p>
<p>(XV) It was not only anger in me. I was nineteen, and a guarded nineteen who'd worked to feel nothing in this direction, so that when I did feel it, right there in that moment, when I did feel that I loved her, it was not with reason or ritual, nor the way that makes families and homes, but the way that wrecks them, I was undone.</p> <p>P.103</p> <p>I walked onto the Street, the common area between two long rows of gabled log cabins where those of us who tasked in the tobacco fields made our homes.</p> <p>P.12</p>	<p>During the lockout my mother attended school in Charlotte County, where she lived with a lady named Ms. Edmunds. She and her younger brother later graduated from Prince Edward County High School after the schools were reopened. Of her four siblings, one graduated high school in Washington, D.C., where he lived with an aunt. The other three made their homes in Washington, D.C.</p> <p>P.8</p>
<p>(XVI) But when he made the circuit around the great town square, leaning back, way back in the chaise and grinning large, the men of society turned their backs to him and puffed on their cigars. There were no salutes. He was what he would always be – Maynard the Goof, Maynard the Lame, Maynard the Fool, the rotten apple who'd fallen many miles from the tree. He fumed and had me drive to the old house at the edge of our town, Starfall, where he purchased himself a night with a fancy, and had the bright notion to bring her back to the big house of Lockless, and, most fatefully, in a sudden bout of shame, insisted on leaving the back way out of town, down Dumb Silk Road, until it connected to that old turnpike, which led us back to the bank of the river Goose.</p> <p>P.5</p>	<p>All the other kids had taken nicknames like "Doc" and "Ice" so I chose the only name left – "Silk." This was the moniker given Jamaal Wilkes of the L.A. Lakers. My classmates thought I was a clown. They knew I would not get much playing time so why the nickname? They could not stop laughing at me. I had Suzie go down to the local sporting goods store and monogram "Silk" on all my basketball gear. Sometimes the "S" would fall off and it would just say "ilk," but I still wore it. Suzie and My Daddy started becoming concerned about me, and hoped it was some type of phase. The night before the game I slept in my uniform. I refused to take the thing off. Mike, Mitchell and Ed showed off and we beat the daylights out of some poor team. We were up by 30 points late in the fourth quarter when Coach Scott called my name. I pretended I did not hear him. Another player had to grab me and march me to the scorer's table. I checked into the game with my</p>

	wrinkled uniform and the crowd gave me a standing ovation. Here I was the smallest guy in school trying to play with the big boys. P.31
	If a teammate wasn't paying attention, I would hit him in the head with a 'no look' pass on purpose, and then laugh about it after the game. That was what Ron Orr saw when he approached me about playing pickup with the Longwood basketball team. Then when I referred to myself as 'Silk' my classmates didn't think it was funny anymore – they started calling me cocky. P.31 - P.32
<b>(XVII)</b> We are all divided ourselves. Sometimes part of us begins to speak for reasons we don't even understand until years later. The voice that took me away from the Underground was familiar and old to me. This was the voice that conspired to come up off the Street. This was the voice that consigned my mother to the "down here." It was the voice that had spoken to Thena, and so callously left her behind. It was the voice of freedom, a cold Virginia freedom – freedom for me and those I chose. But now a new voice was rising, one enriched by the warmth of the house of Viola White, and the ghost of my aunt Emma who somewhere deep admonished me, Don't Forget Family. P.216	Family was the most important aspect of my hometown. My father was from Farmville and my mother, who spent her early years in Washington, D.C., was raised by her maternal grandmother there as a teenager. Everyone I came into contact with was either related to me or knew my family. You needed a linear programming model to keep track of who was related to whom or who was married to whom. For those you were unsure if you were related to or not, you simply called them cousin or uncle "so and so." The bigger picture was that family stuck together and there was strength in numbers. P.9
"I had family all up and down here," he said. "Uncles, aunts, cousins. Had to know who I could marry and who I could not. There was so many associations. The old folks kept the memory. Knew who was kin and who was not.  "That is what they there for," said Sophia. "To hold the stories. Keep the blood clean." P.341	

<p>And when my father told me the stories, passed from his grandfather of chasing off catamounts, of hunting bear with a Bowie knife, of felling of great trees, hauling up stones, and diverting creeks, and by his own hand bringing forth the estate I then beheld, how could I not want to claim this, the courage and with and all the glory it built with its strong arms, as my inheritance?</p> <p>P.34</p>	<p>Grandma also had a very serious side, however. Keeping the family together was very serious business. She told us stories of the hardships she had to overcome raising her family ... how they had to hunt, cut pulp wood and pull tobacco, else they went hungry. Real estate developers offered to build her a "turnkey" house with minimal debt. However, she was dead set against going into hock; instead, she built her home in stages as the family earned the money. She was proud of her common sense approach to building her house, and loved how I hung on her every word. I envisioned how things might have been different had she gone with the turnkey option and shuddered at the thought.</p> <p>P.16</p>
<p><b>(XVIII)</b> It was tobacco that made for the largess of Lockless, indeed the largess of Elm County. And every year the tobacco yields shrank, the entail of those high families of Virginia shrank with them. The days of tobacco leaves large as elephant ears were no more, not in Elm County at least, where crop after crop had exhausted the land. But out west, past the Valley and mountains, on the Mississippi banks, down Natchez-way, there was land in need of improvement, in need of masters to superintend, and men to harvest and hoe, men such as those in the diminishing fields of Lockless.</p> <p>P.34</p> <p>Most folks up here would take a boy like you and put him on the block. Fetch a fortune, you know. Nothing more valuable than a colored with brains in him. But that is not me. I believe in Lockless. I believe in Elm County. I believe in Virginia.</p> <p>P.37</p>	<p>I was born in Farmville, Virginia in 1967 on what my Aunt Anna describes as one of the coldest February days in the state of Virginia ... Farmville, located within Prince Edward County, is about 60 miles southwest of Richmond, the state's capital. For Civil War buffs, many of the stops of Lee's final retreat and the operations of General Grant's successful campaigns against the confederacy occurred in Prince Edward. Lee eventually surrendered in neighboring Appomattox County. Blanche K. Bruce, the first black man elected to the U.S. Senate (1875 – 1881), grew up about five minutes from my house. Prince Edward is not known for much else than being your typical, small, college town. Both Longwood University and Hampden-Sydney College ("H-SC" or "the College") are located there.</p> <p>P.1</p> <p>We were not allowed to ride our bikes in the street during home games because the College boys would get a little out of control. We would sit on my grandfather's porch and watch them fly up and down the road after the games. That would be our</p>

	<p>entertainment for the weekend. Farmville pretty much caters to the college students given that they drive so much of the town's economy.</p> <p>P.2</p>
	<p>Dubois' conclusion about the Farmville Negro was mixed, yet he may have walked away with the "true" value of emancipation ... Well, there is one other thing Prince Edward was known for. By age five or six I knew there was a deep, dark secret the adults only spoke about in hushed tones.</p> <p>P.3 - P.4</p>
<p><b>(XIX)</b> "I'm old," he continued. "I can't reconstruct myself for this new world. I will pass with this Virginia, and these troubled times will fall to Maynard, which means they will fall to you. You have to save him, son. You have to protect him. I don't mean tomorrow at race-day. There is so much coming, so much trouble coming for us all, and Maynard, whom I love more than anything, he is not ready. Mind him. Mind my boy."</p> <p>P.43</p>	<p>She was always trying to help people and took a special interest in children who she thought were less fortunate. It was a quirk that we had to deal with and we hoped that ultimately, it would get her into heaven or something. However, she lived for her own children; we were her world. Her main worry was who was going to take care of her kids if something happened to her. She would query different family members from time to time to ensure someone would step in if need be. It got to the point where it was almost an obsession.</p> <p>P.19</p> <p>It was almost laughable to us that something could happen to our mother. The quintessential "strong" black woman, she could bend but never break. Even if she died we figured she would find a way to come back to life. Yet, there were times when she put a scare into us. If she was not home from work by 6:30 p.m. we ran in the house and sat real still. Then we would call just about every relative we had, inquiring of her whereabouts. Grandpa had a police blotter where he could hear about emergencies, car accidents, fires, and police chases. We would listen to that for a while to see if there were any reported car accidents in the neighborhood. By 7:30 p.m. if she was not home and had not called,</p>

	<p>all hell would break loose. Life in my Farmville was very predictable – there were set times for certain things to occur and for people to be certain places. But there was also a level of fragility; if some misfortune had befallen our mother, we would never have recovered.</p> <p>P.14</p>
<p><b>(XX)</b> And Thena, the meanest woman on the Street, might have been sweeping he front yard, beating out an old rug, or rolling her eyes and sucking her teeth at someone's foolishness. But it was winter in Virginia, and all in possession of good sense were huddled inside by the fires. So when I walked outside, there was no one on the Street, no one peering out the door of their quarters, no one to grab my arm, swat my bottom twice and yell, "Hi, this cold bout to be the death of you! And where is your momma, boy?"</p> <p>P.12</p> <p>By early evening the sun had set, and the savory smells of our late supper – fried chicken, biscuits, ash-cake, and potlikker – hung over the Street. Men and women form Starfall, with relations still at Lockless, brought up pies and treats for dessert.</p> <p>P.89</p>	<p>Everybody on the Street knew Kidder was using its balance sheet to earn profits from principal trading.</p> <p>P.97</p> <p>I assumed it must have been a misprint. The paper mentioned that Joseph Jett was a managing director and one of the most powerful African Americans on the Street.</p> <p>P.95</p> <p>The former head of mortgage trading at Lehman described the inability of the Street to police itself: "From a policy perspective, the regulators have to step in ... It would be an awful lot to ask the Street to not look for revenue opportunities where their competitors are finding revenue."</p> <p>P.281</p>
<p><b>(XXI)</b> Then, by light of the bonfire, with everyone stuffed and bursting at the seams, the stories began of the ghosts of Lockless, of all our lost and gone.</p> <p>P.89</p> <p>They lay awake night, listening to the groaning ghosts of tasking folk past, those who'd been carried off.</p> <p>P.113</p>	<p>Citigroup vs. Rakoff and "Ghosts of Thieves Past."</p> <p>Rakoff advised Siegel to sell his home in New York and uproot his family down to Florida. After giving prosecutors the details on the elaborate insider-trading ring he was part of, the hundreds of millions of dollars they had made and the "big fish" at Goldman, Siegel felt like he was doing something good for society. However, after Freeman got off with only four months' jail time, Siegel was distraught. The Feds admitted to both Siegel and Rakoff that they bungled the case. The prevailing school of thought was that Freeman got a slap on the wrist because he was a member of the</p>

	Goldman fraternity and protected by its clout. Decades later, after prosecuting Levine, Milken, Wilkis, Reich, Siegel and Freeman, nothing has changed. If anybody can understand the culture of the Street – entitled, incorrigible – it is Rakoff. To understand Rakoff's need to restore the public's faith in the government ... to "make things right," one would have had to have witnessed the "Den of Thieves" firsthand. P.260-261
<b>(XXII)</b> The effect of all this was a kind of watchfulness among the tasking folks, in particular toward those you did not know. This worked the other way too, so that if you were new to Lockless or any of these other houses of bondage, you took things slow, you did not question or inquire on people's affairs, for if you did you might then be thought to be among those who were eye and ears, who tasked among the Task, and this was a dangerous place because then you thought yourself might be poisoned or plotted against. P.105	We would see all kinds of people from the community, some from Mercy Seat, Hampden-Sydney, Darlington Heights, etc., looking like they were in dire straits. If he didn't know the person, then Grandpa miraculously was out of liquor. We kids saw this take place for years and never once mentioned it, not even amongst ourselves; we knew better. P.12
<b>(XXIII)</b> The Street was a communal place but Thena kept to herself, never joining in the gossip, small talk, or singing. P.15  "I can't be your mother. I can't be Rose. She was a beautiful woman, with the kindest heart. I liked her and I do not like many anymore. She did not gossip and kept to herself. I can't be what she was to you. But you have chosen me, I understand that. I want you to understand that." P.19	Every day a group of guys would sit in the lunchroom and gossip about what deals were occurring in the marketplace. Most of their vitriol was directed at one person – the Queen Bee. She must have possessed a special kind of pixie dust because all of her deals seemed to get done. P.102  There were rumors that she had stolen a colleague's client with insinuations that the colleague was "too junior" to lead a deal and had gotten fired from a rival firm. Sometimes junior people would engage in this sort of gossip or pick sides in turf wars; they would have their careers ended for picking the wrong side. I stayed neutral, avoided that lunchroom like the plague and tended to my own business. P.102 - P.103

<p><b>(XXIV)</b> "You know who I am. You done heard how they talk about me but you also know something is broken in old Thena, and when I seen you up in the loft, I had a feeling something was broken in you. And you had chosen me, for whatever reasoning, you had picked me out."</p> <p>P.18</p>	<p>Grandma marveled at the fact that I was weak, and sickly, I still tried to play with the bigger kids. At that point I became her "pick." And from then on Grandma had a rule, "If that boy don't play, nobody plays!"</p> <p>P.13</p>
<p><b>(XXV)</b> "I like you, Hiram," Georgie said. "I really do. If I was so lucky as to have a daughter about your season, you would be my only choice. You are smart. You keep your mouth where it should be, and you were more better to Maynard than a man ever deserved."</p> <p>P. 102</p> <p>"Yeah, Georgie. I ain't ask a whole lot of questions – you must understand why. This thing Georgie got himself into, well, I imagine part of the deal is you don't talk too much.</p> <p>P. 111</p>	<p>While most kids loved summer vacation, I had mixed feelings about it. I knew I could play all day but there was also a lot of time to spark my mother's ire. During summer break I literally got a beating every day ... usually something involving a ball or having "too much mouth."</p> <p>P.14</p>
<p>Again he walked the line, but this time he stopped before one of the men farther down the line to my left. "You, Jackson, talked of murder of your master – but talked too much boy!</p> <p>P.142</p>	<p>I was one of the littlest kids in class and also had the most mouth. The kids were part happy to see somebody finally silence me, and part happy I was still alive.</p> <p>P.20</p>

Below are examples of similar characters between the two books.

<i>The Water Dancer</i>	<i>Shock Exchange</i>
<p><b>(XXVI)</b> My mother was the best dancer at Lockless, that is what they told me, and I remembered this because she'd gifted me with none of it, but more I remembered because it was dancing that brought her to the attention of my father, and thus had brought me to be. And more than that, I remembered because I remembered everything – everything, it seemed, except her ...</p>	<p>When I was around two years old my mother was in Charlotte County helping out Ms. Edmunds, the lady she lived with during the school lockout. Ms. Edmunds had gotten up in age and my mother was there to support her for a few weeks. One day after cooking dinner, she poured the leftover grease into a canister and placed it on a shelf above the stove. She then left the room to wash clothes. I had seen her put the hot grease into this canister several times and was curious as to what it was. Seizing my</p>

<p>And there was never a need to tell me any story twice, because if you told me that Hank Powers cried for three hours when his daughter was born, I remembered, and if you told me that Lucille Simms mad a new dress out of her mother's work clothes, for</p>	<p>opportunity, I grabbed a chair, tiptoed high enough to reach the canister and accidentally tipped it over onto myself, hot grease in all. My mother came running from the next room but it was too late.</p>
<p>Christmas, I remembered, and if you spoke of that time Johnny Blackwell pulled a knife on his brother, I remembered, and if you told me all the ancestors of Horace Collins, and where in Elm County they were born, I remembered, and if Jane Jackson recited all her generations, her mother, her mother' mother, and every mother stretching all the way to the edge of the Atlantic, I remembered. So it was natural that I recall, even in the maw of the Goose, even after the bridge fell away and I stared down my own doom, that this was not the first pilgrimage to the blue door.</p>	<p>I remember events before and after the incident, but not the incident itself. The grease scalded about three-fifths of my entire body – the right side of my face, neck, most of my chest and side of my right leg. I was in the hospital for a few weeks and cocoa butter would become my best friend. On doctor's orders my mother religiously placed it over my scars every morning. Daily I had to show my stomach to my mother and grandparents so they could see the progress.</p>
<p>It had happened before. It had happened when I was nine years old, the day after my mother was taken and sold. I awoke that cold winter morning knowing she was gone as a fact. But I had no pictures, no memory, of any goodbye, indeed no pictures of her at all. Instead I recalled my mother in secondhand, so that I was sure she had been taken, in the same way that I was sure that there were lions in Africa, though I had never seen one. I searched for a fully fleshed memory, and found only scraps. Screams. ... I was terrified, not simply because I lost my mother, but because I was a boy who remembered all his yesterdays in the crispest colors, and textures so rich I could drink them. And there I was, awakening with a start of nothing but ephemera, shadows and screams.</p> <p>P.4 and P.11</p>	<p>It got to the point where friends of the family (mostly women) would inquire about my scars. I hated showing my body to some stranger but never complained to my mother about it. Looking back, the more the scars went away the less guilt she felt for not doing a better job of protecting me. Around age 9, a strange car pulled into the Grandma's driveway. A lady got out and walked inside. About 10 minutes later my mother called me inside from playing basketball with the other kids. When she summoned only me I knew what was about to take place. I walked into the family room where the lady, my mother Grandma and few aunts were talking. They asked to see my chest, to which I obliged. She gave me the obligatory "what a miracle it was" and so on and so forth. I then asked, "May I see yours?" There was dead silence. My mother was about to light my rear end up, but I did not care. I had had enough. Grandma and my aunts were grinning from ear to ear though. Grandma intervened with, "Don't beat him Suzie." She knew it had gotten old. I never had to show my chest to strangers again after that.</p>

	P.13
<b>(XXVII)</b> I was eleven by then. I was a small boy for my age, but no exception was made, and I was put to work like a man. P.16	At age 10 or 11, I was small for my age so I looked like I was around 7 or 8. P.18
And then I was running, moving as fast as my short legs could carry me. I had to get to the stables. P.13	The heat, no water, getting tackled, run over, stepped on and yelled at, cut the wheat from the chaff pretty quickly. By the time school started I was still standing and earned the nickname "Shortcake" and a reputation for having a big heart. P.30
	I checked into the game with my wrinkled uniform and the crowd gave me a standing ovation. Here I was the smallest guy in school trying to play with the big boys. P.31
<b>(XXVIII)</b> When I saw you in that field, and I saw your parlor tricks, I knew there was something to you, boy, something that the others down there couldn't see. You had a particular talent, one that I thought could be useful, for these are not prosperous times, and we need all the talent we can get up her in the house." P.36	Ms. Coles was my favorite teacher in elementary school. She was one of the first teachers to identify that I could excel in the classroom. She recommended that I get skipped from the second grade into the third grade. However, Suzie vetoed the idea. My friend Darryl Johnson and I were later selected to be in the school's Gifted and Talented Program when we were in the fifth grade. It is funny how you can affect a child at an early age by putting the notion into his head that he is highly intelligent. P.29
"It's time for you to take on Maynard. My days will not be forever, and he will need a good manservant – one such as you who knows something of the fields, and something of the house, and even something of the larger world. I have watched you, boy, and what I know is you never forget a thing. Tell my Hiram something once, and it is as good as done. There ain't too many like you, ain't too many of such quality." P.36	I had every intention of avoiding world civilization freshman year. I had signed up for another class when Mrs. Peale accosted me in the hallway and told me she thought it would be a good idea to take her class. She also ran the Gifted and Talented Program so she remembered me, Johnson and Wilhelm from way back in elementary school. P.33
Most folks up her would take a boy like you and put him on the block. Fetch a fortune, you know. Nothing more valuable than a colored with brains in him. But that is not me. I believe in Lockless. I believe in Elm	

County. I believe in Virginia. P.37	
(XXIX) So the lessons began – reading, arithmetic, some oratory – and my world bloomed with them, my ravenous memory filling with images and, now, words, which were so much more than I had before believed, words with their own shape, rhythm, and color, words that were pictures themselves. P.32	I dug into Invisible Man and soon realized it was thicker than I had assumed, and the phrasing was so advanced that I had to use a thesaurus to understand many of the words. P.34  And so it went. I spent several nights up until 1 a.m. - 2 a.m. with a book, a thesaurus and a flashlight (so not to wake up Dwayne and Mark). I went lindy hopping with Malcolm Little, tried to remake myself with Jay Gatsby, and screamed “run black boy run!” at Bigger Thomas. Mrs. Peale knew we would need a thesaurus to understand the material. That was mainly the point – to help increase our vocabulary and include it in our writing. P.34
(XXX) The White family home was across the Delaware River. I caught the ferry that evening, then walked across along a cobbled road until it turned to clay and then to dust. The heat of the city, the air damp and thick, faded behind me, and a refreshing breeze swirled up the road. It was good to be out. It was my first time in anything like the country since my arrival, and I now realized everything that I missed about my old Southern home – the wind in the fields, the sun pushing through the trees, the drawn-out afternoons. Everything happened at once in Philadelphia, all of life one ridiculous crush of feeling. P.205  I had by then learned the price of my silence, the cost of holding my words to shield my heart. I knew what it was to feel that someone you deeply loved was gone from you, and that you would never be able to tell them all day what they had meant. But sitting with Thena, who I thought I'd	I suddenly realized what a long way from home I was and wondered, “How in the heck did I get here?” I also wondered if I would ever see Farmville again. Yet the Farmville I longed for was that of my youth – softball games on Mother’s Day or singing at Mercy Seat while Annie Mae looked on approvingly. P.113

<p>lost, whose volume and character had only been amplified through my knowledge of Kessiah, felt that I now had a second chance and I resolved not to waste it.</p> <p>P.326</p>	
<p>“Well, I am upstairs now,” I said. “Maynard’s old room. Don’t love it but it is what Master Howell say it be. Holler if you need me.”</p> <p>And her only answer to this new information was to pick up her humming again. But then as I walked out the doorway, I heard her say, “Missed supper.”</p> <p>I turned and said, “Missed more than that.”</p> <p>P.327</p>	
<p><b>(XXXI)</b> She worked the tobacco and then went home. He habit was to scowl at us children for playing our rowdy games within earshot or sometimes to emerge almost whimsically from her cabin, wild-eyed, swinging her broom at us. For anyone else, this would have brought on conflict of some sort or the other. But I had heard that Thena had not always been this way, that in another life, one lived right here on the Street, she was a mother not just to five children of her own but to all the children on the Street.</p> <p>P.14</p>	<p>Grandma had about 20 grandkids, 17 great-grandkids and kept two or three foster kids from time to time. Add in some additional kids from the neighborhood and there was an army of us.</p> <p>P.13</p>
<p><b>(XXXII)</b> What was I thinking facing her door, holding my sack of pork and cornmeal? Surely there were others who would have taken me in, others who actually enjoyed the company of children.</p> <p>P.15</p>	<p>From then on we referred to them as “Suzie” and “My Daddy.” Suzie and her four siblings were born in Washington, D.C. and lived in the Georgetown section there. They fell on hard times after their parents died and were taken in by Grandma when she was a teenager. When they became adults, my uncles and aunt all moved back to D.C. but Suzie remained in Farmville, got married and started a family.</p> <p>P.19</p>
<p><b>(XXXIII)</b> She was not the meanest woman at Lockless, but the most honest.</p> <p>P.15</p>	<p>She did not tolerate laziness, or insubordination. She also had a thing about lying and “putting your hands on something that didn’t belong to you.” She would threaten my cousins, one in particular, that “You going to the pen.” I’m thinking like,</p>

	<p>"What pen ... the pig pen? And why would you be sent to the pig pen for being a big liar?" I was too young to understand but she was fixated on keeping her grandchildren "out the pen."</p> <p>P.15</p>
	<p>I saw my aunts asking the questions while Grandma sat back and observed. They played a version of "good cop, bad cop," with one aunt acting hostile to unnerve the young fella and Grandma coming to the boy's rescue when one of my aunt's had crossed the line. The women fired questions from all angles. While one aunt asked a question, another was preparing one. They also asked similar questions, but worded them differently. Only if the boy was telling the truth could he give the same answer to four or five similar questions. If he hesitated, that was a sure sign of a lie. Lack of eye contact was another dead giveaway. Offering up one-word answers to serious questions, or something as seemingly trivial as a lack of a firm handshake would send red flags.</p> <p>P.18</p>
<p><b>(XXXIV)</b> The Street was a communal place but Thena kept to herself, never joining in on the gossip, small talk. Her habit was to scowl at us children for playing our rowdy games within earshot ...</p> <p>P.14</p>	<p>The activities went around the clock. And whatever games were going on, all you heard was, "Let that boy play." If there was a basketball game going on and my older cousins blew me off, I ran into the house to tell Grandma. She would come outside and take the ball away until they let me shoot a few times, or let me stand on the court and give the illusion as if I was actually playing.</p> <p>P.14</p>
<p><b>(XXXV)</b> Nice, ain't it?" Thena said. "But all of it start with what's right down here in the fields, and with what's right here in this pipe. Master of it all was my man Big John. Weren't nobody who knew more about the ways and knacks of the golden leaf than my man. He could tell you the best way to dig out the horn-worms, which leaves you s'pose to sucker and which you might like to leave be.</p>	<p>When I came home from the hospital after the scalding Grandma had a party for me "Up The House," the name we gave her 20-acre establishment.</p> <p>P.13</p>

So that gave him a kind of favor with whites. Was how I got this big house here. P.17	
(XXXVI) No one replied and now Thena looked up and scanned the audience. The truth is everyone was afraid of her. But the silence now emerged from this fear only agitated her more. P.90	Grandma was the matriarch of our family and pretty much all powerful in our eyes. She never laid a hand on me, Mark, Dwayne or Sharmane. She did not have to. We were literally scared to death of her. P.15  Some of the most frightening moments Up the House occurred when the wrestling was not shown. We would try to explain to Grandma that "it didn't come on today" but that would make her even madder. P.16
(XXXVII) They bagged me, my brother Lambert, my momma, Raymond, and Patsy – whole family save my daddy. We was carried back. When we got there Momma made it out as though the escape was all Daddy's idea. P.209	My parents were Angela and Ralph Baker, but that is not how my siblings and I referred to them. The story goes that when we were toddlers, Mark and I would ask our mother for something and she would say, "Go ask your daddy." Of course he would tell us to go bother "Suzie." From then on we referred to them as "Suzie" and "My Daddy." P.18
(XXXVIII) "My father never loved me," he said. "It was another time, boy. Nothing like today where you see the young folks open and frolicking. My daddy's only concern was station. P.336	While Suzie was hands on, My Daddy was never around. During weekdays he was always working ... I always had the impression that My Daddy could not have cared less about us, since he was never around. And we sort of liked it that way because when he was around he was always barking orders; he was either giving orders or critiquing the orders we were supposed to carry out. P.21- P.22  I thought about my son, then about 7 years old. This boy had the nerve to tell my brother Mark, "My daddy doesn't care anything about me. He's never around," which ironically, was the same thing I said about my own father. I figured it was time for me to get off of the corporate treadmill and build my own brand somehow; maybe it

	<p>was time to quit procrastinating on that travel basketball team I had promised to start.</p> <p>P.112</p>
(XXXIX) But mostly, I remember my momma, who was as warm and lovely a woman as I ever did know. I remember Sundays, just laying up in her bosom – all five of us – like kittens. My daddy was a hard man, but I think I knew even then that something about him protected us, that he was doing something, or had done something, for all of us to have that cabin, set off at the end. P.247	<p>I went to work during the day and met the handyman as soon as I got home. We worked every night from about 7 p.m. until 1 o'clock in the morning. I remember putting up some sheetrock and thinking after 30 some-odd years of running from that hammer, there it was staring me right back in the face. I held the nail in place between my thumb and my pointing finger and tried to hammer it as straight as I could, just like I had seen My Daddy do it. Yeah, I thought about My Daddy every night and his prognostications about having to pay "The Man" – now "The Man" was trying to bury me. Leading up to the final building inspection I got on my hands and knees and prayed for that C of O. I was literally out of money and out of options. When it was finally authorized, I gave a sigh of relief that my ordeal was finally over. It was then that I understand that he was not trying to make me a mechanic, or a contractor, but simply teaching me how to protect myself and to be self-sufficient.</p> <p>P.25</p>
(XL) I knew a few of them – including Corrine's man, Hawkins, whom I saw sitting on the fence with the others. I nodded in greeting. He nodded back, but did not smile. That was his way, this Hawkins. There was something cold and distant about him ... He scared me. There was something hard about him, and I knew just by his manner that he had endured some terrible, unspeakable portion of the Task. P.52  My daddy was a big man in those days, a headman on the tobacco team, and that is to say he was as big as you can be when you was Tasked. "We had our own house at the end of the Street, set off from the others and	<p>He did whatever he had to do in order to provide for his family. As much as he was a killjoy, he definitely had our respect. He worked hard and was a man of means.</p> <p>P.2</p> <p>I would look at them two and for the life of me I could not see the attraction. The man rarely spoke to us. Maybe we would get a grunt here or there. When he did speak, it was usually a complaint about something we were doing, Annie Mae relayed the message – "Junior, your grandpa said please quit throwing the ball against the house ... Would ya'll please turn the T.V. down? Your grandpa is trying to sleep. You know he has to go to work tonight." By all accounts the</p>

<p>bigger too. I thought this was all on account of my daddy and the high esteem in which he was held by those up top. He was a hard man. I do not remember him speaking much, but I recall that when the Quality came down to address him they spoke with him in a kind of respect that they accorded no other tasking man.”</p> <p>P.247</p>	<p>dude was a killjoy, and I think he reveled in that distinction. He worked the night shift in the boiler room at Longwood College.</p> <p>P.11</p>
<p><b>(XL)</b> I knew a few of them – including Corrine’s man, Hawkins, whom I saw sitting on the fence with the others. I nodded in greeting. He nodded back, but did not smile. That was his way, this Hawkins. There was something cold and distant about him. He perpetually wore a look of a man who suffered no fools, but felt himself surrounded by them. He scared me. There was something hard about him, and I knew just by his manner that he had endured some terrible, unspeakable portion of the Task.</p> <p>P.52</p>	<p>When My Daddy was not barking orders or telling war stories, he was pretty much a killjoy. First of all, he made us go to bed at 9 p.m. on weeknights unless we had homework to do. Granted, I was not a morning person but a 9 p.m. bedtime was darn near criminal.</p> <p>P.22</p>
<p><b>(XLII)</b> Edwin Quinn was the meanest white man this world has known, I am convinced of it.</p> <p>P.388</p> <p>Big John wasn’t no driver ‘cause he was the meanest like Harlan. He was a driver because he was the wisest – wiser than any of them whites, and their whole lives depended on him.</p> <p>P.17</p> <p>And Thena, the meanest woman on the Street, might have been sweeping he front yard, beating out an old rug, or rolling her eyes and sucking her teeth at someone’s</p>	<p>But you could sense a dark side in how Grandpa carried himself ... a real mysterious side, as if he was a different person in a previous life. I always attributed his persona to a hard life he may have had growing up. He was the total opposite of Gramma. She was tall. He was short, about 5’5”. She was sweet as pie and he was mean as a rattlesnake. I would look at them two and for the life of me I could not see the attraction. The man rarely spoke to us. Maybe we would get a grunt here or there. When he did speak, it was usually a complaint about something we were doing.</p> <p>P.11</p> <p>As a kid, Joe Baker was probably the meanest black man I had ever met ... She was sweet as pie and he was mean as a rattlesnake. I would look at them two and for the life of me I could not see the attraction. The man rarely spoke to us. Maybe we would get a grunt here or there. When he did speak, it was usually a complaint about something we were doing.</p> <p>P.11</p>

foolishness. P.12	
I was, with my brother, tied to the meanest man in the world and that man married Corrine and, well, that man is not with us anymore and I am here with you able to enjoy small natural things such as this.	
P.163  Master Heath, who own us, used to have this young wife," she said. "She was cruel as all hell. I know, I was her serving girl. She was the type to take the whip to you 'cause it rained too hard or the milk was too warm." She was as pretty as she was mean, and all the men knew. P.182	

In *The Water Dancer*, defendant also used similar names for the characters in *Shock Exchange*.

<i>The Water Dancer</i>	<i>Shock Exchange</i>
<p><b>(XLIII)</b> "In this state I met Lydia. Perhaps, having been born into Alabama, she knew more about the weight, and was better fitted to carry the great burden of a bonded light.</p> <p>P.259</p> <p>I had a whole other life down there. I met a girl – my Lydia – and we made a family. I tasked hard. I was a man well regarded in slavery, which is to say I was never regarded as a man at all.</p> <p>P.210</p>	<p>Prior to high school I had specifically heard how hard Marcella Rigby (algebra), Gerald Roach (general business), and Lydia Peale (world civilization, American civilization) were. I made a mental note to avoid these teachers. P.32</p> <p>I think it was Galileo who once said, "You can't teach a man anything. You can only help him find it within himself." From that perspective, Mrs. Peale never really taught us anything, she simply gave us the framework to help us find our own voices.</p> <p>P.35</p>
<p><b>(XLIV)</b> No, only I saw her from the driver's seat of the chaise and she was just as they'd described her, just as they'd said she'd been in the olden days when she would leap into a circle of all my people – Aunt Emma, Young P, Honas, and Uncle John – and they would clap pound their chests, and slap their knees, urging her on in double time, and she would stomp the dirt floor hard, as if crushing a crawling thing under her heel, and bend at the hips and bow, then twist and wind her bent knees in union with her hand, the earthen jar still on her head.</p> <p>P.4</p>	<p>People do not write books about Gramma, Grandpa, Grandma, Suzie, My Daddy, the teachers who shaped me, or my Aunt Anna – who died just prior to the book being published. So I wrote it myself.</p> <p>P.331</p> <p>Even in the black community it was seen as persona non grata. Uncle Jesse railed against it on the way to Sunday school, during Sunday school, and on the way home from Sunday school. Thomas, Mark and I had heard that "welfare speech" so many times that we could recite it by heart.</p> <p>P.51</p>
<p><b>(XLV)</b> "Me and Helen, we were friends. At least we was friends, once. I loved her, you know. I think I can say that – I loved her, and when I think of Helen, I think only of the best of times."</p> <p>P.98</p>	<p>Annie Mae, Grandpa, Aunt Frances, Uncle George, Aunt Ellen, Thomas and Eva Wilson at one of many family gatherings.</p> <p>P.147</p>
<p><b>(XLVI)</b> And across from there was Pap and Grease, brothers, and next to them was Georgie Parks. So I walked out of the madness of the square and to the southern end of the town, and there found myself before Ryland's jail, which marked the beginnings of the free colored section of</p>	<p>Annie Mae, Grandpa, Aunt Frances, Uncle George, Aunt Ellen, Thomas and Eva Wilson at one of many family gatherings.</p> <p>P.147</p>

Starfall. P.57	
(XLVII) This path right here, used to lead right up to Phinny's place," she said. I had a whole passel of people here. Had a aunt who used to cook for the first Phinny himself. P.342	Coach Finney, then the JV coach, would sic me on the opposing team's best guard and I would put the clamps on him. The kids called me Finney's "whipping boy" because he always rode me in practice for seemingly minor mistakes. P.31
(XLVIII) Man's name is Parnel Johns. He done did something to get him in bad with the local tasking folks. P.178  "You see, Johns whatever his cowardly ways, is a hell of a fieldhand," said Hawkins. P.179	Barbara Johns was the niece of Vernon Johns, a famous preacher at the Dexter Avenue Baptist Church in Montgomery, Alabama. Johns also hailed from Prince Edward County and was considered one of the top African-American preachers of his day. P.5  While Johns was in Montgomery during the school walkout, he advised his niece over the telephone. P.5
(XLIX) Edmund Quinn was the meanest white man this world has known, I am convinced of it. P.388	During the lockout my mother attended school in Charlotte County, where she lived with a lady named Ms. Edmunds. She and her younger brother later graduated from Prince Edward County High after the schools were reopened. P.13

## EXHIBIT C

Below is a description of defendant's description of Reconstruction in *We Were Eight Years*

*In Power* versus that of *Shock Exchange*:

<i>We Were Eight Years In Power</i>	<i>Shock Exchange</i>
<p>In 1895, two decades after his state moved the egalitarian innovations of Reconstruction to an oppressive 'Reconstruction,' South Carolina congressman Thomas Miller appealed to the state's constitutional convention:</p> <p>We were eight years in power. We had built schoolhouses, established charitable institution, built and maintained the penitentiary system, provided for the education of the deaf and dumb, rebuilt the ferries. In short, we had reconstructed the State and placed it upon the road to prosperity.</p> <p>By the 1890s, Reconstruction had been painted as a fundamentally corrupt era of 'Negro Rule.' It was said that South Carolina stood under threat of being 'Africanized' and dragged into barbarism and iniquity. Miller hoped that by highlighting black achievement in governance and marshaling a credible defense of black morality, he might convince the doubtlessly fair-minded people of South Carolina preserve the citizenship rights of African Americans. His plea went unheeded. The 1895 constitution added both literacy tests and property requirements as qualifications for enfranchisement. When those measures proved insufficient to enforcing white supremacy, black citizens were shot, tortured, beaten, and maimed.</p> <p>Assessing Miller's rebuttal and the 1895 convention, W.E.B. Du Bois made a sobering observation. From Du Bois's</p>	<p>Harry Byrd was a Virginia Democratic senator when the <i>Brown</i> decision was rendered. His father was a wealthy apple planter in the Shenandoah Valley section of the state and publisher of the Winchester Star, which Byrd later inherited. At the time, the <i>Winchester Star</i> was heavily in debt. To save the paper, Byrd repaid indebtedness out of cash flow from operations. As state senator (1915-1925), he upgraded many of Virginia's secondary roads paid for by cash receipts generated by the state or new taxes levied to cover such construction. In addition, Byrd served as governor (1926-1933), and U.S. Senator (1933-1965). Prior to the Conservative Democrats gaining favor in the late 1880s, Virginia politics was controlled by the Readjuster Party; co-founded by Confederate General Robert William Mahone and Harrison Riddleberger, a lawyer from Woodstock, Virginia. After the Civil War, Virginia was left with debt of approximately \$50 million.</p> <p>The majority of that indebtedness was incurred from infrastructure investments like roads and railroads. After West Virginia seceded from the state, 'Readjusters' felt the debt should be readjusted downward and West Virginia should pay its fair share of the debt burden. Mahone and Riddleberger formed coalitions with progressive thinking factions and took advantage of blacks' growing political power. William E. Cameron was elected governor from the Readjuster Party in 1882. At the time, three state senators and 11 delegates were black. Cameron's administration passed</p>

<p>perspective, the 1895 constitutional convention was not an exercise in moral reform, or an effort to purge the state of corruption. This was simply cover for the convention's true aim – the restoration of a despotic white supremacy. The problem was not that South Carolina's Reconstruction-era government had been consumed by unprecedented graft. Indeed, it was the exact opposite. The very successes Miller highlighted, the actual record of Reconstruction in South Carolina, undermined white supremacy. To redeem white supremacy, that record was twisted, mocked, and caricatured into something that better resembled the prejudices of white South Carolina, 'If there was one thing that South Carolina feared more than bad Negro government,' wrote Du Bois, 'it was good Negro government ...'</p> <p>The central thread of this book is eight articles written during the eight years of the first black presidency – a period of Good Negro Government.</p> <p>Pages xiii – xv</p>	<p>progressive legislations like the abolition of anti-black voting regulations, the establishment of Virginia State University, and increased funding for public schools. Both Republicans and Democrats alike wanted to quell black advancement, which meant destroying the Readjuster Party. By 1883 the Readjusters had lost majority control of the state legislature and the governorship to the Conservative Democrats. By 1902 the state legislature passed laws which eliminated voting rights of blacks, and stated for the first time that the races were to be educated at separate schools.</p> <p>During Byrd's rise to power in the 1920s he used his web of connections, mainly in the rural areas of the state, to control Virginia politics for over 40 years and vigorously maintain segregation.</p> <p>P.6</p>
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Below is a summary of defendant's analysis on Reconstruction, which is highly similar to Plaintiff's interpretative analysis from *Shock Exchange*.

<b><i>We Were Eight Years In Power</i></b>	<b><i>Shock Exchange</i></b>
(I) Blacks in South Carolina were eight years in power in the late 1800s.	In the late 1880s Virginia politics was ruled by the Readjuster Party, which took advantage of blacks' growing power in the general assembly.
(II) Blacks in South Carolina were eight years in power in the late 1800s.	By the time William Cameron was elected governor from the Readjuster Party in 1882, three state senators and 11 delegates were Black.
(III) Under black influence, South Carolina passed progressive legislation. It built schoolhouses, established charitable institutions, built and maintained the penitentiary system, provided education for the deaf and dumb and rebuilt ferries.	Under black influence, the Readjuster Party passed progressive legislation. It abolished anti-black voting regulations, it established Virginia State University and increased funding for public schools.
(IV) Blacks helped South Carolina reconstruct the state.	After the Civil War, Virginia was left with \$50 million in debt. Readjusters felt the debt should be readjusted downward and West Virginia should pay its fair share of the debt burden. After readjusting the debt and passing progressive legislation, the Readjuster Party had reconstructed the state of Virginia.
(V) The success of Thomas Miller and blacks in South Carolina undermined white supremacy. The goal of the state's congressional committee was to restore white supremacy.	Republicans and Conservative Democrats wanted to quell black advancement, which meant destroying the Readjuster Party.
(VI) In 1895 the constitution added literacy and property requirements as qualifications for enfranchisement.	By 1902 the state legislature passed laws eliminating voting rights for blacks, and stated for the first time the races were to be educated at separate schools.

## EXHIBIT D

Below is an excerpt from “The Black Family In The Age Of Mass Incarceration” included in *We Were Eight Years In Power*.

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Through the middle of the twentieth century, America’s imprisonment rate hovered at about 110 people per 100,000. Presently, America’s incarceration rate (which accounts for people in prisons *and* jails) is roughly 12 times the rate in Sweden, eight times the rate in Italy, seven times the rate in Canada, five times the rate in Australia, and four times the rate in Poland. America’s closest to-scale competitor is Russia—and with an autocratic Vladimir Putin locking up about 450 people per 100,000, compared with our 700 or so, it isn’t much of a competition.

China has about four times America’s population, but American jails and prisons hold half a million more people. “In short,” an authoritative report issued last year by the National Research Council concluded, “the current U.S. rate of incarceration is unprecedented by both historical and comparative standards . . .”

The incarceration rate rose independent of crime—but not of criminal-justice policy. Derek Neal, an economist at the University of Chicago, has found that by the early 2000s, a suite of tough-on-crime laws had made prison sentences much more likely than in the past. Examining a sample of states, Neal found that from 1985 to 2000, the likelihood of a long prison sentence nearly doubled for drug possession, tripled for drug trafficking, and quintupled for non-aggravated assault.

That explosion in rates and duration of imprisonment might be justified on grounds of cold pragmatism if a policy of mass incarceration actually caused crime to decline. Which is precisely what some politicians and policy makers of the tough-on-crime ’90s were claiming. “Ask many politicians, newspaper editors, or criminal justice ‘experts’ about our prisons, and you will hear that our problem is that we put too many people in prison,” a 1992 Justice Department report read. “The truth, however, is to the contrary; we are incarcerating too *few* criminals, and the public is suffering as a result.”

History has not been kind to this conclusion . . . After studying California’s tough “Three Strikes and You’re Out” law—which mandated at least a 25-year sentence for a third “strikeable offense,” such as murder or robbery—researchers at UC Berkeley and the University of Sydney, in Australia, determined in 2001 that the law had reduced the rate of felony crime by no more than 2 percent. Bruce Western, a sociologist at Harvard and one of the leading academic experts on American incarceration, looked at the growth in state prisons in recent years and concluded that a 66 percent increase in the state prison population between 1993 and 2001 had reduced the rate of serious crime by a modest 2 to 5 percent—at a cost to taxpayers of \$53 billion.

This bloating of the prison population may not have reduced crime much, but it increased misery among the group that so concerned Moynihan. Among all black

males born since the late 1970s, one in four went to prison by their mid-30s; among those who dropped out of high school, seven in ten did . . .

The emergence of the carceral state has had far-reaching consequences for the economic viability of black families. Employment and poverty statistics traditionally omit the incarcerated from the official numbers. When Western recalcultated the jobless rates for the year 2000 to include incarcerated young black men, he found that joblessness among all young black men went from 24 to 32 percent; among those who never went to college, it went from 30 to 42 percent. The upshot is stark. Even in the booming '90s, when nearly every American demographic group improved its economic position, black men were left out. The illusion of wage and employment progress among African American males was made possible only through the erasure of the most vulnerable among them from the official statistics.

These consequences for black men have radiated out to their families. By 2000, more than 1 million black children had a father in jail or prison—and roughly half of those fathers were living in the same household as their kids when they were locked up. Paternal incarceration is associated with behavior problems and delinquency, especially among boys.

"More than half of fathers in state prison report being the primary breadwinner in their family," the National Research Council report noted. Should the family attempt to stay together through incarceration, the loss of income only increases, as the mother must pay for phone time, travel costs for visits, and legal fees. The burden continues after the father returns home, because a criminal record tends to injure employment prospects. Through it all, the children suffer.

Many fathers simply fall through the cracks after they're released. It is estimated that between 30 and 50 percent of all parolees in Los Angeles and San Francisco are homeless. In that context—employment prospects diminished, cut off from one's children, nowhere to live—one can readily see the difficulty of eluding the ever-present grasp of incarceration, even once an individual is physically out of prison.

P.231 - P.234

Below is Plaintiff's description of mass incarceration from *Shock Exchange*.

Before quantifying the black tax – unemployment and incarceration – I would expect to see a sharp rise in unemployment starting in the late 1970s and early 1980s as the U.S. manufacturing base began to erode. Black men worked their way into middle class status by traveling to northern cities and California where manufacturing jobs were in abundance. The decline in U.S. manufacturing has hurt the economy overall, but African Americans especially. The inverse of this conclusion is that black men, for whatever reason, have been less successful in

transitioning from the manufacturing sectors to the service ~~s~~ectors of the economy.

The above chart illustrates the employment-to-population ratio by sex and race, and measures the proportion of the population employed. This may be a better proxy for the true employment picture. The employment-to-population ratio for African-American men in 2010 was 53.1%, as compared to 65.1%, 67.5% and 68.0% for white, Asian and Hispanic men, respectively. Prior to seeing the data I would have expected a sharp decline in the ratio for black males starting in the mid-80s as the country's manufacturing base began to erode. However, the figures were relatively unchanged in 1980 (60.4%) and in 2000 (60.2%), yet fell precipitously by 2010. It reiterates the adage that "when America catches cold, black America catches pneumonia."

There was no noticeable difference in the employment-population ratio amongst women from different racial groups. Overall, the employment-to-population ratio for all women has increased since the early 1970s as more women have entered the workplace. Yet the differential in the ratio between black women and black men is the smallest vis-à-vis other ethnic groups. For instance, in 2010 the differential in the ratio between black men and black women (1.6%) was much less than that of whites (11.1%), Asians (14.5%) and Hispanics (10.4%). The differential may be symptomatic of a U.S. service economy more comfortable with black women in the workplace.

The rate of incarceration also reflects the additional costs of being black in America. One could say that unemployment and incarceration rates are linked in that one (high unemployment) leads to crime and ultimately, incarceration. The abnormally high rate for African Americans is a known truth in the black community. After doing some research, I found that the U.S. has the highest incarceration rate of any country in the "free world."

The U.S. incarceration rate has increased from 200 per 100,000 U.S. residents in the mid-90s to 743 per 100,000 residents in 2010. The incarceration rate is a function of admissions, times length of stay. Simply based on the number of admissions per capita, the U.S. would not be the world's largest jailor. The U.S. prison policy, highly affected by mandatory drug sentencing, has a higher length of stay relative to the rest of the world. Critics have also blamed the so-called "war on drugs" for the abnormally high incarceration rate of African-American males (4,797 per 100,000 U.S. residents) as compared to that of white males (708 per 100,000 U.S. residents). Even more damning is the fact that a high percentage of white males are incarcerated in local jails with shorter stays, causing less of a disruption for their families. In contrast, the majority of black males are jailed in federal prison with longer stays – a phenomenon that has practically ravaged the black family. Instead of reducing the level of violent crime in America, the war on drugs has resulted in a frequent number of arrests for low-level drug transactions and non-violent offenders; about 50% of the U.S. prison population represents non-violent crimes. Nor will it ever reduce drug trafficking.

Senior year, Dr. Hendley presented us with a case involving a town with an exploding population of dogs. The town manager had a dilemma – to control the population by either spaying male dogs or female dogs. The logical answer would be to spade the male dogs, since they were the “obvious” culprits. However, if the ratio was 10 female dogs per 10 male dogs and he spaded as many as six male dogs, the remaining four could still service 10 female dogs. Instead, the town manager spaded the female dogs and the dog population decreased proportionately. To that point, attempting to “spade” drug dealers does not have the same impact on the drug trade as spading the user through incarceration, treatment, or education. In no way am I attempting to dissect the criminal justice system, but simply presenting data that supports what Grandma always knew – if you are black in America, odds are you are going to the pen.

P.52 - P.54

Below is a summary of the two analyses side-by-side.

<b>“Black Family In Age Of Mass Incarceration”</b>	<b><i>Shock Exchange</i></b>
(I) U.S. accounts for less than 5 percent of the world’s inhabitants – and about 25 percent of incarcerated inhabitants	U.S. has higher incarceration rate of any country in the free world.
(II) From the mid-70s to the mid-80s, America’s incarceration rate doubled, from about 150 people per 100,000 to about 300 per 100,000. From the mid-1980s to the mid-1990s, it doubled again. By 2007, it had reached a historic high of 767 people per 100,000, before registering a modest decline to 707 people per 100,000 in 2012.	U.S. incarceration rate increased 200 per 100,000 U.S. residents in the mid-90s to 743 per 100,000 residents in 2010.
(III) America’s closest-to-scale competitor is Russia – and with an autocratic Vladimir Putin locking up about 450 per 100,000, compared to our 700 or so, it isn’t much of a competition.	<i>Shock Exchange</i> included a chart of the U.S. at 743 per 100,000 residents and its closest-to-scale competitors, Rwanda (595), Russia (568), Georgia (547) and U.S. Virgin Isles (549).
(IV) The emergence of the carceral state has had far-reaching consequences on the economic viability of black families.	Rate of incarceration reflects additional cost of being black in America.
(V) That explosion in rates and duration of imprisonment might be justified on grounds of cold pragmatism if policy of mass incarceration actually caused crime to decline.	Incarceration is function of admissions and length of stay.
(VI) “If greatly increased severity of punishment and higher imprisonment rates caused American crime rates to fall after 1990,” the researchers Michael Tonry and	Incarceration is function of admissions and length of stay.

David P. Farrington have written, then “what caused the Canadian rates to fall?”	
(VII) Neal found that from 1985 to 2000, the likelihood of a long prison sentence doubled for drug possession, tripled for drug dealing, and quadrupled for nonaggravated assault.	Majority of black males jailed in federal prison with longer stays – a phenomenon that has ravaged the black family.
(VIII) The emergence of the carceral state has had far-reaching consequences on the economic viability of black families.	Majority of black males jailed in federal prison with longer stays – a phenomenon that has ravaged the black family.
(IX) The bloating of the prison population may not have reduced crime much, but it increased misery among the group that so concerned Moynihan.	Majority of black males jailed in federal prison with longer stays – a phenomenon that has ravaged the black family.
(X) The consequences for black men have radiated out to their families. By 2000, more than 1 million black children had a father in jail or in prison.	Majority of black males jailed in federal prison with longer stays – a phenomenon that has ravaged the black family.
(XI) Paternal incarceration is associated with behavior problems and delinquency, especially among boys.	Majority of black males jailed in federal prison with longer stays – a phenomenon that has ravaged the black family.
(XII) “More than half of fathers in state prison report being the primary breadwinner in the family ...” should the family attempt to stay together through incarceration, the loss of income only increases, as the mother must pay for phone time, travel costs for visits, and legal fees.	Majority of black males jailed in federal prison with longer stays – a phenomenon that has ravaged the black family.
(XIII) But the relationship between crime and incarceration is more discordant than it appears ... Then, from the early 1990s to the present, violent crime rates fell while imprisonment rates increased.	Instead of reducing the level of violent crime, the war on drugs resulted in frequent number of arrests for low-level drug transactions and non-violent offenders.
(XIV) The incarceration rate rose independent of crime – but not of criminal justice policy.	Instead of reducing the level of violent crime, the war on drugs resulted in frequent number of arrests for low-level drug transactions and non-violent offenders.
(XV) The burden continues after the father returns home, because a criminal record tends to injure employment prospects. Through it all, the child suffers.	Instead of reducing the level of violent crime, the war on drugs resulted in frequent number of arrests for low-level drug transactions and non-violent offenders.
(XVI) Derek Neal, an economist at the University of Chicago has found that by the early 2000s, a suite of tough-on-crime laws had made prison policy sentences much more likely than in the past.	The U.S. prison policy, highly-affected by mandatory drug sentencing, has a higher length of stay relative to the rest of the world.

<b>(XVII)</b> Neal found that from 1985 to 2000, the likelihood of a long prison sentence doubled for drug possession, tripled for drug dealing, and quadrupled for nonaggravated assault.	The U.S. prison policy, highly-affected by mandatory drug sentencing, has a higher length of stay relative to the rest of the world.
<b>(XVIII)</b> The explosion in rates and duration of imprisonment might be justified on grounds of cold pragmatism if a policy of mass incarceration caused crime to decline.	Instead of reducing the level of violent crime, the war on drugs resulted in frequent number of arrests for low-level drug transactions and non-violent offenders.
<b>(XIX)</b> “Ask many politicians, newspaper editors, or criminal justice ‘experts’ about our prisons, and you hear that our problem is that we put too many people in prison,’ a 1992 Justice Department report read. “The truth, however, is to the contrary; we are incarcerating too few criminals, and the public is suffering as a result. “History has not been kind to this conclusion.	Instead of reducing the level of violent crime, the war on drugs resulted in frequent number of arrests for low-level drug transactions and non-violent offenders.
<b>(XX)</b> The bloating of the prison population may not have reduced crime much, but it increased misery among the group so that so concerned Moynihan. Among all black males born since the 1970s, one in four went to prison by their mid-thirties; among those who dropped out of high school, one in ten did.	Critics blamed the war on drugs for abnormally high incarceration rates for African Americans (4,797 per 100,000) versus white males (708 per 100,000).
<b>(XXI)</b> Crime rates rose and fell in the U.S. and Canada at roughly the same clip – but in Canada, imprisonment rates held steady. “If greatly increased severity of punishment and higher imprisonment rates caused American crime rates to fall after 1990,” the researchers Michael Tonry and David P. Farrington have written, then “what caused the Canadian rates to fall?”	Nor will it (criminalization) ever reduce drug trafficking ... Attempting to “spay” drug dealers does not have the same impact on the drug trade as spaying the user through incarceration, treatment, or education.
<b>(XXII)</b> In the latter half of the twentieth century, crime rose and then fell in Nordic countries as well. During the period of rising crime, incarceration rates held steady in Denmark, Norway, Sweden – but declined in Finland. “If punishment affects crime, Finland’s crime rate should have shot up,” Tony and Farrington write, but it did not.	Nor will it (criminalization) ever reduce drug trafficking ... Attempting to “spay” drug dealers does not have the same impact on the drug trade as spaying the user through incarceration, treatment, or education.
<b>(XXIII)</b> After studying California’s tough “Three Strikes and You’re Out” law – which mandated at least a twenty-five year sentence for a third “strikeable offense,” such as	Nor will it (criminalization) ever reduce drug trafficking ... Attempting to “spay” drug dealers does not have the same impact on the

<p>murder or robbery – researchers at UC Berkeley and the University of Sydney, in Australia, determined 2001 that the law had reduced the rate of felony crime by no more than 2 percent.</p>	<p>drug trade as spaying the user through incarceration, treatment, or education.</p>
<p><b>(XXIV)</b> Bruce Western, a sociologist at Harvard and one of the leading academic experts on American incarceration, looked at growth in state prisons in recent years and concluded that a 66 percent increase in state prison population between 1993 and 2001 had reduced the rate of serious crime by a modest 2 to 5 percent – at a cost to taxpayers of \$53 billion.</p>	<p>Nor will it (er)iminalization ever reduce drug trafficking ... Attempting to “spay” drug dealers does not have the same impact on the drug trade as spaying the user through incarceration, treatment, or education.</p>
<p><b>(XXV)</b> “Prison is no longer a rare or extreme event among our nation’s most marginalized groups,” Devah Pager, a sociologist at Harvard has written. “Rather it has become a normal and anticipated marker in the transition to adulthood.”</p>	<p>She had a thing about lying and “putting your hands on something that didn’t belong to you.” She would threaten my cousins, one in particular, that “You going to the pen ...” she was fixated on keeping her grandchildren “out the pen ...” Presenting the data supports what Grandma always knew – if you are black in America, odds are you going to the pen.</p>
<p><b>(XXVI)</b> The emergence of the carceral state has had far-reaching consequences on the economic viability of black families.</p>	<p>Unemployment and incarceration rates are linked in that one (high unemployment) leads to crime and incarceration.</p>
<p><b>(XXVII)</b> Employment and poverty statistics traditionally omit the incarcerated from the official numbers.</p>	<p>The “black tax” – the cost of being black in America – is reflected by high rates of incarceration and unemployment.</p>
<p><b>(XXVIII)</b> Employment and poverty statistics traditionally omit the incarcerated from the official numbers.</p>	<p>The unemployment rate only includes those both unemployed and actively looking for work. It omits Americans who do not want to work. A better picture of unemployment would be the employment-to-population ratio.</p>
<p><b>(XXIX)</b> Many fathers fall through the cracks after they’re released. It is estimated that between 30 and 50 percent of all parolees in Los Angeles and San Francisco are homeless. In that context, employment prospects diminished, cut off from one’s children, nowhere to live – one can readily see the difficulty of eluding the ever-present grasp of incarceration.</p>	<p>Unemployment and incarceration rates are linked in that one (high unemployment) leads to crime and incarceration.</p>

## EXHIBIT E

Several sections of “The Case For Reparations” within *We Were Eight Years In Power* were similar to Plaintiff’s book. Here is a selected passage from the article.

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Their efforts were buttressed by the federal government. In 1934, Congress created the Federal Housing Administration. The FHA insured private mortgages, causing a drop in interest rates and a decline in the size of the down payment required to buy a house. But an insured mortgage was not a possibility for Clyde Ross. The FHA had adopted a system of maps that rated neighborhoods according to their perceived stability. On the maps, green areas, rate ‘A,’ indicated ‘in demand’ neighborhoods that, as one appraiser put it, lacked a ‘single foreigner or Negro.’ These neighborhoods were considered excellent prospects for insurance. Neighborhoods where black people lived were rated ‘D’ and were usually considered ineligible for FHA backing. They were colored in red. Neither the percentage of black people living there nor their social class mattered. Black people were viewed as a contagion. Redlining went beyond FHA-backed loans and spread to the entire mortgage industry, which was already rife with racism, excluding black people from most legitimate means of obtaining a mortgage.

P.169

Below is a passage from *Shock Exchange* describing redlining.

I started with Sovran Bank in Lynchburg, Virginia, commuting from my parents’ house every day, 51 miles one way. The first assignment from the branch manager was to memorize something called the Community Reinvestment Act (CRA). I sifted through some banking policy manuals on CRA and expected to be bored to death. What I uncovered totally blew my mind. The act came about after a group of African-American customers in Illinois complained about discrimination in their local bank’s lending practices. Year after year residents complained that they deposited money with said bank but could not secure a loan. In the mind of the declined customers, the one common denominator amongst them was not low credit scores, limited work history, or inability to repay the loan – it was race.

They complained so much that local regulators reviewed the bank’s lending policies. Their review process was as follows – (i) secure a map of the bank’s lending area(s), (ii) review all loan applications, (iii) match up the zip codes of all declined loan applicants and (iv) color in red the areas on the map where the declined loan applicants lived. After this process was over, regulators had drawn a red line through the neighborhoods where only African Americans lived – hence the term “redlining” was coined. Based on the dispersion of the loan declines, it appeared that the bank’s loan officers had predetermined to decline all loans from African-American neighborhoods. This was not true of course, but the bank’s lending practices had the same effect as if it were true. As a result, CRA was enacted that legally required banks to prove they served the needs of the community, including the need for credit.

P.58

Below is a side-by-side analysis of content defendant copied from *Shock Exchange*, and sprinkled throughout “The Case For Reparations.”

<b>“The Case For Reparations”</b>	<b><i>Shock Exchange</i></b>
(I) Clyde Ross fled Jim Crow Mississippi for Chicago. In 1961 he bought a house in North Lawndale on <i>Chicago’s West Side</i> . He had not signed a normal mortgage. He bought “on contract” – a predatory agreement to with the disadvantages of renting.	My first assignment was to memorize the Community Reinvestment Act (CRA). What I uncovered blew my mind. The act arose after African-American <i>customers in Illinois</i> complained about discrimination in their banks’ lending practices.
(II) Ross tried to get a legitimate mortgage, but a loan officer told him there was no financing available.	African-American residents complained that they deposited money with local banks but could not secure a loan.
(III) The truth was there was no financing for people like Clyde Ross.	In the mind of the declined customers, the one common denominator amongst them was not low credit scores, limited work history, or inability to pay – it was race.
(IV) Neighborhoods were black people lived were usually considered ineligible for FHA backing. Neither the percentage of black people living there nor their social class mattered. Black people were viewed as a contagion.	In the mind of the declined customers, the one common denominator amongst them was not low credit scores, limited work history, or inability to pay – it was race.
(V) But <i>fight Clyde Ross did</i> . In 1968 he joined the Contract Buyers League – a collection of black homeowners on Chicago’s South and West Sides, all who had been locked into the same system of predation.	A group of African-American customers in Illinois complained about discrimination in their local bank’s lending practices.
(VI) The Contract Buyers League <i>fought back</i> . Members – who would eventually number more than 500 – went out to the posh suburbs where speculators lived and embarrassed them by knock on their neighbors’ doors and informing them of the details of the contract-lending trade.	A group of African-American customers in Illinois complained about discrimination in their local bank’s lending practices.
(VII) They refused to pay their installments, holding monthly payments in escrow.	A group of African-American customers in Illinois complained about discrimination in their local bank’s lending practices.
(VIII) They brought a suit against the contract sellers, accusing them of buying properties and reselling in such a manner “to reap from members of the Negro race large and unjust profits.”	A group of African-American customers in Illinois complained about discrimination in their local bank’s lending practices.

<b>(IX)</b> In return for the “deprivations of their rights and privileges under the Thirteenth and Fourteenth Amendments,” the league demand “prayers for relief” – payback of all moneys paid on contracts and all moneys paid for structural improvement of properties.	Year after year residents complained that they deposited money with said bank but could not secure a loan.
<b>(X)</b> Ross and the Contract Buyers League were longer appealing to the government for equality. They were charging society with a crime against their community.	Year after year residents complained that they deposited money with said bank but could not secure a loan.
<b>(XI)</b> From the 1930 through the 1960s, black people across the country were largely cut out of the legitimate home-mortgage market	CRA was enacted that legally required banks to prove they served the needs of the community, including the need for credit. CRA was enacted nationwide to address redlining not just in Illinois, but across the country.
<b>(XII)</b> They wanted the crime publicly ruled as such. They wanted the crime’s executors declared to be offensive to society. And they wanted restitution for the great injury brought upon them by said offenders.	The group of African-American residents complained so much that local regulators reviewed the bank’s lending policies.
<b>(XIII)</b> The FHA had adopted a system of maps that rated neighborhoods according to their perceived stability.	Regulators secured a map of the bank’s lending areas and matched up the zip codes of all declined loan applicants.
<b>(XIV)</b> Neighborhoods where black people lived were colored in red.	Regulators colored in red the areas of the map where the declined loan applicants lived. After this process was over, regulators had drawn a red line through the neighborhoods where only African Americans lived – hence the term “redlining” was coined.
<b>(XV)</b> Neighborhoods where black peopled lived were rated “D” and were usually considered ineligible for FHA backing.	Based on the dispersion of the loan declines, it appeared the bank’s loan officers had predetermined to decline all loans from American-American neighborhoods.
<b>(XVI)</b> Redlining went beyond FHA-backed loans and spread to the entire mortgage industry, which was already rife with racism, excluding black people from most legitimate means of obtaining a mortgage.	CRA was enacted that legally required banks to prove they served the needs of the community, including the need for credit. CRA was enacted nationwide to address redlining not just in Illinois, but across the country.

## EXHIBIT F

Below are a few side-by-side comparisons of the prose in *Between the World and Me* versus *Shock Exchange*.

<i>Between the World and Me</i>	<i>Shock Exchange</i>
<p><b>(I)</b> I still had my journalism. My response was, in this moment, to write. I was lucky I had even that. Most of us are forced to drink our travesties straight and smile about it. I wrote about the history of the Prince George's County police. Nothing had ever felt so essential to me. Here is what I knew at the outset: The officer who killed Prince Jones was black. The politicians who empowered this officer to kill were black. Many of the black politicians, many of them twice as good, seemed unconcerned ... I was back at Moorland again, called by great mysteries. But by then I didn't need any call slips; the Internet had blossomed into an instrument of research. That must strike you as novel. For all of your life, whenever you've had a question you have been able to type that question out on a keyboard, watch it appear in a rectangular space bordered by a corporate logo, and within seconds revel in the flood of potential answers. But I still remember when typewriters were useful, the dawn of the Commodore 64, and days when a song you loved would have its moment on the radio and then disappear into the nothing. I must have gone five years without hearing the Mary Jane Girls sing 'All Night Long.' For a young man like me, the invention of the Internet was the invention of space travel.</p> <p>P.83 - P.84</p>	<p>And from then on Grandma had a rule, "If that boy don't play, nobody plays!"</p> <p>To this day my cousins describe me as the 'demon' that could do no wrong. Grandma had about 20 grandkids, 17 great-grandkids and kept two or three foster kids from time to time. Add in some additional kids from the neighborhood and there was an army of us. The activities went around the clock. And whatever games were going on, all you heard was, 'Let that boy play.' If there was a basketball game going on and my older cousins blew me off, I ran into the house to tell Grandma. She would come outside and take the ball away until they let me shoot a few times, or let me stand on the court and give the illusion as if I was actually playing. We also played softball or 'tennisball.' And of course I had to play. At two or three years old I could barely hold a bat but they had to stand there and pitch to me until I finally connected. Then I cried if I got out. Grandma would come outside and tell my cousins to put me back on base. They would put me on base to give the illusion as if I was "safe" when I was really 'out.' When we played football I had to be 'Number 43' for Larry Brown, the All-Pro running back for the Washington Redskins. Larry Brown was my hero and if I could not be #43 then I was not playing. And if I wasn't playing, nobody was going to play. I would hold up games for 15-20 minutes at a time with my nonsense.</p> <p>P.14</p>
<p><b>(II)</b> Your maternal grandmother once visited us during the pregnancy. She must have</p>	<p>I spent several nights up until 1 a.m. – 2 a.m. with a book, a thesaurus and flashlight</p>

<p>been horrified. We were living in Delaware. We had almost no furniture. I had left Howard without a degree and was living on the impoverished wages of a freelance writer. On the last day of her visit, I drove <u>your grandmother</u> to the airport. Your</p>	<p>(so as not to wake up Dwayne and Mark). I went lindy hopping with Malcolm Little, tried to remake myself with Jay Gatsby, and screamed “run black boy, run!” at Bigger Thomas ...</p>
<p>mother was her only child, as you are my only child. And having watched you grow, I know that nothing could possibly be more precious to her. She said to me, “You take care of my daughter.” When she got out of the car, my world had shifted. I felt that I had crossed some threshold, out of the foyer of my lift and into the living room. Everything that was the past seemed to be another life. There was before you, and then there was after, and in this after, you were the God I’d never had. I submitted before your needs, and I knew then that I must survive for something more than survival’s sake. I must survive for you.</p>	<p>I frankly did not think Wright’s Bigger character was realistic because no black person could have possibly been that dumb. Every black person I knew would have left her drunk behind on the floor and gone back to work. The man was hired as a driver only. Helping his employer’s drunken daughter to her room was not part of his job description. Then Ms. Justice wanted to know if I were in Bigger’s position, would I have confessed to accidentally murdering the girl instead of fleeing. Frankly, I was insulted.</p>
<p>P.67</p>	<p>My response was, “That could not happen to me because I am not a fool. If there was a commotion in the West Wing, then I would have been in the East Wing with Sue Ellen and J.R. If there was a commotion in the East Wing, then I would have been in the West Wing with Pam and Bobby. I would have made it my business not to be where the trouble was brewing.” Interestingly enough, the class was split along racial lines. The white students thought Bigger should have turned himself in because Mary’s death was an accident. The African-American students thought the situation was hopeless and Bigger was as good as dead. I opted for “run black boy, run!”</p>
<p>P.34 - P.35</p>	<p>P.34 - P.35</p>
<p><b>(III)</b> I think back on those boys now and all I see is fear, and all I see is them girding themselves against the ghosts of the bad old days when the Mississippi mob gathered ‘round their grandfathers so that the branches of the black body might be torched, then cut away.</p>	<p>She did not tolerate laziness, or insubordination. She also had a thing about lying and “putting your hands on something that didn’t belong to you.” She would threaten my cousins, one in particular, that “You going to the pen.” I’m thinking like, “What pen … the pig pen? And why would you be sent to the pig pen for being a big liar?” I was too young to understand but she was fixated on keeping her grandchildren “out</p>

<p>In that fashion, the security of these neighborhoods flowed downward and became the security of the bodies living there.</p> <p>P.23</p>	<p>the pen.”</p> <p>P.15</p>
<p>I recall learning these laws clearer than I recall learning my colors and shapes, because these laws were essential to the security of my body.</p> <p>P.24</p>	<p>In no way am I attempting to dissect the criminal justice system, but simply presenting data that supports what Grandma always knew – if you are black in America, odds are you are going to the pen.</p> <p>P.54</p>
<p>You have seen all the wonderful life up above the tree-line, yet you understand that there is no real distance between you and Trayvon Martin, and thus Trayvon Martin must terrify you in a way that he could terrify me. You have seen so much more that is lost when they destroy your body.</p> <p>P.25</p>	<p>I shuddered to think of what benefits she was getting out of the arrangement, and of what state of mind Bentley had to have been in to think he would ever get away with it. The woman’s children complained to the bank’s higher-ups that Bentley had taken advantage of her, and pilfered tens of thousands of dollars from her trust account. All I could say was, “This boy wants to go to the pen doesn’t he?”</p> <p>P.82</p>
<p>And I wanted desperately to communicate this evidence to the world, because I felt – even if I did not completely know – that the larger culture’s erasure of black beauty was intimately connected to the destruction of black bodies.</p> <p>P.44</p>	<p>After the conversation with Campanis, the quip from that managing director seemed less odd. Maybe he too knew that our offer, having matched that of the next highest bidder, was more than a mere coincidence. It also explained why Leatherman II never spent long hours in my office engaging in idle chitchat or gossip, like he had with the others. I had made it known to everyone, in no uncertain terms, that I was not going to be a party to anything untoward – I wasn’t going to the pen for anybody.</p> <p>P.232</p>
<p>Our history was inferior because we were inferior. And our inferior bodies could not possibly be accorded the same respect as those that built the West. Would it not be better, then, if our bodies were civilized, improved, and put to some legitimate Christian use?</p> <p>P.44</p>	<p>She would threaten my cousins, one in particular, that “You going to the pen.” I’m thinking like, “What pen … the pig pen? And why would you be sent to the pig pen for being a big liar?” I was too young to understand but she was fixated on keeping her grandchildren “out the pen.”</p> <p>P.15</p>
<p>(IV) If he hated, he hated because it was human for an enslaved to hate the enslaver, natural as Prometheus hating the birds.</p> <p>P.36</p> <p>The trouble came almost immediately. I did not find a coherent tradition marching lockstep but instead factions, and factions within factions.</p>	

P.47  <b>(V)</b> That was the week you learned that the killers of Michael Brown would go free. The men who had left his body in the street like some awesome declaration of their inviolable power would never be punished. It was not my expectation that anyone would ever be punished. But you were young and you still believed. You stayed up all night till 11 p.m. that night, waiting the announcement, and when instead it was announced that there was none you said, "I've got to go," and you went into your room, and I heard you crying. I came in five minutes after, and I didn't hug you, and I didn't comfort you, because I thought it would be wrong to comfort you. I did not tell you that it would be okay, because I have never believed it would be okay. What I told is what your grandparents tried to tell me: that this is your country and this is your world, that this is your body, and you must find some way to live within the all of it. I tell you now that the question of how one should live within a black body, within a country lost in the Dream, is the question of my life, and the pursuit of this question, I have found, ultimately answers itself. P.12	She ruled more with the "carrot" than the "stick." It was not just what she did, but how she did it. First of all, she would always make us peanut butter and jelly sandwiches for lunch. She always bought the crunchy peanut butter because that's what we liked. She would then cut the sandwiches diagonally across the corners, making two triangles. For your birthday would bake you a cake in any style you liked; she had 11 grandchildren in Farmville, which equated to 11 birthday cakes a year. And whenever you would cut your leg or hand from playing outside or falling off your bike, she would put hydrogen peroxide on it instead of alcohol because peroxide didn't sting. It seems insignificant now but to a child that stuff was important. You would never play with reckless abandon if you knew that the alcohol was waiting for you. P.10
<b>(VI)</b> The boy with the small eyes reached into his ski jacket and pulled out a gun. I recall it in the slowest motion, as though in a dream. There the boy stood, with the gun brandished, which he slowly untucked, tucked, then untucked once more, and in his small eyes I was a surging rage that could, in an instant, erase my body. That was 1986. That year I felt myself drowning in the news reports of murder. I was aware that these murders very often did not land upon the intended targets but fell upon great-aunts, PTA mothers, overtime uncles, and joyful children – fell upon them random and relentless, like great sheets of rain. I knew this in theory but could not understand it as fact until the boy with the small eyes stood	By 8 p.m. everybody had cleared out, but I would keep shooting until it got dark. That was less efficient because I first had to shoot the ball, and then go find it. Eventually Grandma put up a street light so I wouldn't have to shoot in the dark anymore ... bless her heart! I then shot until 1 a.m., sometimes 2 a.m. in the morning. People in the neighborhood thought I was crazy. They would drive to work in the morning while I was shooting and then return home in the afternoon while I was shooting. They would go out in the evening while I was shooting and around midnight or so, a car would slow down and then come to a complete stop. The driver would watch in amazement at me still shooting. People originally thought I

<p>across from me holding my entire body in his small hands. The boy did not shoot. His friends pulled him back. He did not need to shoot.</p> <p>P.19</p>	<p>was peculiar, but it soon became odd when I was not out there.</p> <p>P.35 - P.36</p>
<p><b>(VII)</b> Now I had the privilege of welcoming it back like a long-lost friend, though our reunion was laced with grief; I mourned over all the years that were lost. The mourning continues. Even today, from time to time, I find myself on beaches watching six-year-olds learn to surf, or at colleges listening to sophomores slip from English to Italian, or at cafes seeing young poets flip through "The Waste Land," or listening to the radio where economists explain economic things that I could explore in my lost years, mourning, hoping that I in all my wonder, my long-lost friend, have not yet run out of time, though I know that we all run out of time, and some of us run out of it faster.</p> <p>P.36</p>	<p>There was always something going on Up the House, like some big-time family gathering or activity. For Mother's Day the boys took on the girls in a family softball game. The boys won of course, but this nonsense was a spectacle. You always knew whose mother was at bat because the kid would stare at the ground out of embarrassment or try to hide behind a tree. First of all, my mother hit from the left side of the plate. I mean, who does that? Then she pulled her right leg out before swinging, as if she was afraid to get hit by the ball. You were supposed step toward the pitcher, that way you generate more power when swinging through the ball. Who didn't know that? Then she couldn't make contact with the ball ... embarrassing! It took her about 10 swings before she could ever put the ball in play and that was usually a weak ground ball. We would pretend to misplay the ball so she could get on base. Every year the boys would destroy the girls.</p> <p>P.17</p>

In *Shock Exchange* the Plaintiff described a person or thing based on color, physical features, etc.

Plaintiff alleges Defendant linguistically attempted to mimic Plaintiff.

<p><b>(VIII)</b> When your grandmother was sixteen years old a young man knocked on her door. The young man was your Nana Jo's boyfriend. No one else was home. Ma allowed this young man to sit and wait until your Nana Jo returned. But your great-grandmother got there first. She asked the young man to leave.</p> <p>P.16</p>	<p>And everybody had a picture of Jesus, the two white guys and the black guy hanging on their wall. Grandma said that Jesus died to save us humans on earth and the two white guys were the Kennedys and the black guy was Martin Luther King, Jr. They died trying to help black folks.</p> <p>P.12</p> <p>My sophomore year in high school (1983) the Prince Edward County school system</p>
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<p>I focused in on a light-skinned boy with a long head and small eyes ... The boy with the small eyes reached into his ski jacket and pulled out a gun ... There the boy stood, with the gun brandished, which he slowly untucked, tucked, then untucked once more, and in his small eyes I saw a surging rage that could, in an instant, erase my body. I knew this in theory but could not understand it as fact until the boy with the small eyes stood across from me holding my entire body in his small hands.</p>	<p>invested in about eight K-Cars from Chrysler to be used for Drivers Education (Drivers Ed). We figured they must have gotten them for a steal because they had bought so many, and they were hideous – bright, yellow, box-shaped K-Cars. They were put on display outside the school and the kids would just gawk at them as the bus drove past ...</p>
<p>P.19</p>	<p>As he talked I could see a tractor-trailer in my rearview, but it was a pretty safe distance away. There was only one</p>
<p>The girl with the long dreads lived in a house with a man, a Howard professor, who was married to a white woman ... The girl with the long dreads helped me out and onto the street ... The girl with the long dreads who slept with whomever she chose, that being her own declaration of control over her body, was there.</p>	<p>problem, however. I could not get the bright yellow box-shaped K-Car to start! I tried to stay calm but I was literally scared to death. Again, Coach Scott goes, "Baker, start the car." I tried everything, but to no avail. By now you could hear the truck driver blowing the horn behind us. My mind started racing – I figured that by the time he realized the bright yellow K-Car shaped like a box had stalled, it would be too late for him to hit the brakes and he would kill us all. I saw my life flash before my eyes and realized how at age 16, I had actually lived a pretty good life. Coach Scott then yelled, "Baker! Get up!" He made me hop in the passenger side while he took the reins. Embarrassing!</p>
<p>P.58</p>	<p>There was a girl in the backseat, Brenda, who was literally laughing her rear end off. Like magic, Coach Scott got the bright yellow K-Car with the box shape to start and pulled off just in time to avoid the tractor-trailer ...</p>
<p>I fell in love at The Mecca on last time, lost my balance and all my boyhood confusion, under the spell of a girl from Chicago ... I stood with a blunt in one hand and a beer in another. I inhaled, passed it off to this Chicago girl, and when I brushed her long elegant fingers, I shuddered a bit from the blast ... The girl from Chicago understood this too, and she understood something more</p>	<p>When we arrived back at school I swore Brenda to secrecy. But as always, bad news has a way of reverberating throughout the black community. The kids went wild with talk of "Ralph I heard you can't drive" and "Yo man you still alive? I heard you got Brenda and Coach Scott killed." I retold the story about how the bright yellow K-Car with the box shape stalled in the middle of the road, going 50 miles an hour no less. But everybody found the story too incredible to believe. Who had ever</p>
<p>...</p>	
<p>P.64</p>	
<p>I was going to see the mother of a dead black boy ... The mother of this murdered black boy was then taking her case before journalists and writers ... Then the mother of the murdered boy rose, turned to you, and said, 'You exist.'</p>	
<p>P.112</p>	

	<p>experienced a car doing that? Nonetheless, I was witness to what America was about to find out – the K-Car was a piece of trash.<sup>34</sup></p>
	<p>The Third Rail sourced the transaction for GECC; I had worked with him twice before. On one of the deals we flew to Dayton, Ohio for two days of due diligence. It was an hour's drive from the airport to the company and the guy did not say a word. And when he did speak all he did was complain. He also had a serious issue with the Dillon Read analyst representing the target company. The analyst had worn a double-breasted suit during the meetings, which the Third Rail thought was a serious faux pas. He fumed something to the effect of, "Did you see that kid with that double-breasted suit? You must at least be a managing director to wear a double-breasted suit."</p> <p>P.104 - P.105</p>

Below are similar passages between the two books.

<i>Between the World and Me</i>	<i>Shock Exchange</i>
<p><b>(IX)</b> And so in my Baltimore it was known that when Cherry Hill rolled through you rolled the other way, that North and Pulaski was not an intersection but a hurricane, leaving only splinters and shards in its wake. In that fashion, the security of these neighborhoods flowed downward and became the security of the bodies living there. You steered clear of Jo-Jo, for instance, because he was cousin to Keon, the don of Murphy Homes. In other cities, indeed in other Baltimores, the neighborhoods had other handles and the boys went by other names, but their mission did not change: prove the inviolability of their block, of their bodies, through their power to crack knees, ribs and arms.</p> <p>P.22</p>	<p>My Farmville – Family, God And Prince Edward County High School, [Shock Exchange, page 9]</p> <p>Life in my Farmville was very predictable – there were set times for certain things to occur and for people to be certain places. But there was also a level of fragility; if some misfortune had befallen our mother, we would never have recovered.</p> <p>P.14</p>
<p><b>(X)</b> When I was in trouble in school (which was quite often) she would make me write about it. Why did I feel he need to talk at the same time as my teacher? Why did I not believe that my teacher was entitled to respect? How would I want someone to behave while I was talking? What would I do the next time I felt the urge to talk to my friends during the lesson?</p> <p>P.29</p>	<p>By the time we reached high school it had been well documented how “our mama was.” My third grade social studies teacher, Ms. Bell, gave me a “D” during one of the marking periods and wrote some nonsense like “Ralph spends too much time in class talking to Lee Taylor.” I didn’t even know what a “D” looked like. It only added insult to injury that Ms. Bell was telling stories on me for no apparent reason. A few weeks later I was in the back of social studies class hammering it up with Lee. Suddenly, in mid-sentence, Lee stopped talking. He seemed fixated on something behind me. I reacted like “Lee, are you okay? What’s wrong man?” Lee never said a word, just pointed upward behind me. When I turned around, the room sort of got dark. I didn’t know if it was Godzilla or Megalon.</p> <p>P.20</p>
<p><b>(XI)</b> When I was in trouble in school (which was quite often) she would make me write about it ... I have given you these same assignments. I gave them to you not because I thought they would curb your behavior – the</p>	<p>When I was in the fifth grade My Daddy thought I needed to learn about the stock market. He was working as an insurance salesman at the time and had to keep abreast of the economy and the market. Each day he</p>

<p>certainly did not curb mine – but because these were the earliest acts of interrogation, of drawing myself into consciousness. Your grandmother was not teaching me how to behave in class. She was teaching me to ruthlessly interrogate the subject that elicited the most sympathy rationalizing myself.</p>	<p>would make me read something called The Wall Street Journal; he would simply give it to me and say, “Read it.” I was convinced he lay awake at night thinking of new ways to torture me.</p>
	<p>... I would regurgitate what I had heard on the news or read in the paper – ‘the Dow Jones Industrial Average dropped because of concerns over inflation,’ or ‘the transportation index fell because of increasing gas prices.’ But of course, this was not good enough for My Daddy. ‘Why?’ he would ask. He would make be comb the Journal until I could find a sufficient answer, which could take hours. Suzie would look on with a smirk on her face. To shut My Daddy’s mouth, I cross-referenced various news sources to create my own story, and reference previous versions of The Journal to prove prices were indeed going up.</p> <p>P.23</p>
	<p>I figured it was time for me to get off of the corporate treadmill and build my own brand somehow; maybe it was time to quit procrastinating on that travel basketball team I had promised to start. But the trick was to make it educational somehow. I had tried teaching my son about the stock market but I was away from home too much to be consistent with it. If I fused the two together – basketball and investing, I thought it would be a fun way to spend a lot of time together and formally teach him and other kids about the fundamentals of investing.</p> <p>P.113</p>
<p><b>(XII)</b> She taught me how to love in new ways. In my old house your grandparents ruled with the fearsome rod. I have tried to address you differently – an idea begun by seeing all the other ways of love on display at The Mecca.</p> <p>P.60</p>	<p>My mother was from the school of “spare the rod, spoil the child,” and she seemed to purposely try to undo all of the good work Grandma had created. She seemed to purposely try to undo all of the good work Grandma had created ... When my own son Ralph was 7 years old I was doing some painting around the house and I asked him</p>

	<p>to bring me a new paintbrush. Instead of walking the paintbrush over to me, the kid threw it and accidentally smashed the window. I never said a word ... He could not believe he was not going to get in trouble for it. I simply told him that as a kid I had gotten enough beatings for the both of us.</p> <p>P.14</p>
<p><b>(XIII)</b> I would take breaks from my reading, walk out to the vendors who lined the streets, each lunch on the Yard. I would imagine Malcolm, his body bound in a cell, studying the books, trading his human eyes for the power of flight. And I too felt bound by my ignorance, by the questions that I had not yet understood to be more than just means, by my lack of understanding, and by Howard itself.</p> <p>P.48</p>	<p>And so it went. I spent several nights up until 1 a.m. - 2 a.m. with a book, a thesaurus and a flashlight (so not to wake up Dwayne and Mark). I went lindy hopping with Malcolm Little, tried to remake myself with Jay Gatsby, and screamed 'run black boy run!' at Bigger Thomas.</p> <p>P.34</p>
<p><b>(XIV)</b> And I am afraid. I feel the fear most acutely whenever you leave me. But I was afraid long before you, and in this I was unoriginal. When I was your age the only people I knew were black, and all of them powerfully, adamantly, dangerously afraid. I had seen this fear all my young life, though I had not always recognized it as such.</p> <p>P.14</p>	<p>For the white kids, the school you attended had political implications. The majority of the Caucasian students attended Prince Edward Academy. Those who could not afford to attend it, attended Prince Edward; then there were the white families who actually wanted to send their kids to the public school. And that is saying a lot because Prince Edward was all black. I actually thought blacks ran the world. Just about everybody I came into contact with at church, at school and in the neighborhood was black.</p> <p>P.27</p>
<p><b>(XV)</b> An unceasing interrogation of the stories told to us by the schools now felt essential. It felt wrong to ask why, and then ask it again. I took these questions to my father, who very often refused to offer an answer, and instead referred me to more books. My mother and father were always pushing me away from secondhand answers – even the answers they themselves believed. I don't know that I have ever</p>	<p>Of all the Sunday school lessons, the one that vexed me the most was the crucifixion of Jesus Christ. I loved to read about the miracles Jesus had performed. If he could perform miracles like healing the sick, helping blind men see and feeding 40 people with a fish and a loaf of bread, that was a good thing right? Then why was he so hated upon? I asked these questions of Doris Day repeatedly and would not let it go. I also asked Reginald Smith (deacon) and</p>

<p>found any satisfactory answers of my own. P.34</p>	<p>Grandma. No answer was satisfactory. How someone as good as Jesus could be crucified vexed me throughout my childhood. P.26</p>
<p><b>(XVI)</b> Later, I would hear it in Dad's voice – 'Either I can beat him or the police.' Maybe that saved me. Maybe it didn't. All I know is, the violence rose from the fear like smoke from fire, and I cannot say whether that violence, even administered in fear and love, sounded the alarm or choked us at the exit. What I know is that fathers who slammed their teenage boys for sass would then release them to streets where their boys employed, and were subject to, the same justice. And I knew all the mothers who belted their girls, but the belt could not save these girls from drug dealers twice their age. P.17</p>	<p>She would take my belt and wear my rear end out. The beatings would go on for a while and then Grandma would step in with, 'Don't kill that boy Suzie!' Then my mother would stop ... I would yell a little bit in the beginning after about 15-20 seconds I would be thinking, 'Grandma where are you? Grandma, come on now!' And with her extrasensory perception Grandma would step in and save my life. P.34</p>
<p><b>(XVII)</b> Your grandmother taught me to read when I was only four. She taught me to write, by which I mean organizing a set of sentences into a series of paragraphs, but organizing them as a means of interrogation. P.29</p>	<p>It was in Sunday school that people in the community knew I was pretty smart. In second grade I was probably on a sixth-grade reading level already. I prided myself on understanding the meaning of words and being able to spell correctly. P.26</p>
<p><b>(XVIII)</b> I needed more books. At Howard University, one of the greatest collection of books could be found in the Moorland-Spingarn Research Center, where your grandfather once worked. Moorland held archives, papers, collections and virtually any book ever written by black people ... I would open the books and read, while filling my composition books with notes on my reading, new vocabulary words, and sentences of my own invention. P.46</p>	<p>And so it went. I spent several nights up until 1 a.m. - 2 a.m. with a book, a thesaurus and a flashlight (so not to wake up Dwayne and Mark). I went lindy hopping with Malcolm Little, tried to remake myself with Jay Gatsby, and screamed "run black boy run!" at Bigger Thomas. Mrs. Peale knew we would need a thesaurus to understand the material. That was mainly the point – to help increase our vocabulary and include it in our writing. P.34</p>
<p><b>(XIX)</b> That is the best of what the old heads meant when they spoke of being "politically conscious" – as much a series of actions as a state of being, a constant questioning as ritual, questioning as exploration rather than a search for certainty. Some things were</p>	<p>When I was not reading trade magazines from the apparel industry, I was reading books to help me learn more about Wall Street. I did not just read them; I devoured them – <i>Greed and Glory on Wall Street: The Fall of the House of Lehman, Our Crowd,</i></p>

clear to me: The violence that undergirded the country, so flagrantly on display during Black History Month, and the intimate violence of "Yeah, nigger, what's up now?" were unrelated. And this violence was not magical, but was a piece and by design.	<p><i>The Predators' Ball, Liar's Poker, Barbarians at the Gate, Den of Thieves</i> and the history of Salomon Brothers. But my favorite was <i>The House of Morgan</i>, written by Ron Chernow in 1990.</p> <p>P.86</p>
<p>But what exactly was the design? And why? I must know. I must get out ... but into what? I devoured the books because these were the rays of light peeking out from the doorframe, and perhaps past that door there was another world, one beyond the gripping fear that undergirded the Dream.</p> <p>P.34</p>	

## EXHIBIT G

Below is a comparison of the dialogue in the *Black Panther* comic book versus the prose from *Shock Exchange*.

<b><i>Black Panther</i></b>	<b><i>Shock Exchange</i></b>
<p>(I) Nakia: "And when have we not been desperate, M'Baku? Who knows if we'll truly find soldiers down there worthy of the maroons. But what we do know is this: We are not the only ones who are desperate."</p> <p>Black Panther: The Intergalactic Empire Of Wakanda, Part One, 1</p>	<p>Whenever he came home from work Sharmane usually met him in the driveway before he could get out of the car ... Grandpa was seemingly in three states – going to work, at work, or coming from work. We never saw him except for on weekends. He worked the night shift for decades and I never once heard the man complain. He did whatever he had to do in order to provide for his family. As much as he was a killjoy, he definitely had our respect. He worked hard and was a man of means.</p> <p>P.12</p>
<p>(II) Daoud: "You new here so Daoud tell you how this works." Daoud king-mule. You need something? You ask Daoud first. Nothing – not even water – move without Daoud. Did you hear Daoud mule?! Daoud say – Daoud try telling you nice-like boy. Daoud be peaceable. But you push Daoud. And Daoud push back!"</p> <p>Lady In Blue Face: "Stop! Are you so lost that you will let them reduce to this? What do you hope to prove by killing him? That you truly are a beast? They have stolen your name, your culture, your god. Do not let them steal your mind."</p> <p>Lady With White Hair: "Promise you'll come back home ..."</p> <p>Daoud: "Maroon girl right! Leave Daoud! Daoud want no help from you mule! Daoud kill you! ..."</p> <p>Daoud: "Daoud want no help ... Daoud kill ..."</p>	<p>Whenever he came home from work Sharmane usually met him in the driveway before he could get out of the car ... Grandpa was seemingly in three states – going to work, at work, or coming from work. We never saw him except for on weekends. He worked the night shift for decades and I never once heard the man complain. He did whatever he had to do in order to provide for his family. As much as he was a killjoy, he definitely had our respect. He worked hard and was a man of means.</p> <p>P.12</p>

Unknown Lady: "Shut up Daoud ..."	
Black Panther: The Intergalactic Empire Of Wakanda, Part One, 1	
(III) Soldier #1: "Attention! Attention! Asset loose in the southwest quadrant. Asset loose in the southwest quadrant. Assets are the exclusive property of Emperor N'Jaka! Asset must be retrieved whole and alive! Fail to act according to the dictum and one of you will take the asset's place in the mines! Hurry, he's through here. Huh? Where ..."	She ruled more with the "carrot" than the "stick." It was not just what she did, but how she did it. First of all, she would always make us peanut butter and jelly sandwiches for lunch. She always bought the crunchy peanut butter because that was what we liked. She would then cut the sandwiches diagonally across the corners, making two triangles.
Soldier #2: "One more year out here in Goree – and that's it for me. No more mules. No more mines. No more – "	For your birthday she would bake you a cake in any style you liked; she had 11 grandchildren in Farmville, which equated to 11 birthday cakes a year. And whenever you would cut your leg or hand from playing outside or falling off your bike, she would put hydrogen peroxide on it instead of alcohol because peroxide didn't sting. It seems insignificant now but to a child that stuff was important. You would never play with reckless abandon if you knew that the alcohol was waiting for you.
Random Soldier: "Let's kill him!"	P.10
Soldier #1: "No! Not unless you want to end up in the vibranium mines yourself! Stun only!"	
Voice From The Shadows: "Come home ..."	
M'Baku: "How do we know they'll even fight?"	
Nakia: "We don't. But if we're ever going to go beyond those ragtag hit-and-runs, we need more soldiers. And we've got intelligence that Goree is a factory for them."	
M'Baku: "I don't know Nakia. It feels desperate."	
Nakia: "And when have we not been desperate, M'Baku? Who knows if we'll truly find soldiers down there worthy of the maroons. But what we do know is this: We are not the only ones who are desperate."	
Random Soldier: "That one there walks around like he's some sort of king ... Go show him he's just a mule like the rest of you."	

<p>Daoud: "You new her so Daoud tell you how this works." Daoud king-mule. You need something? You ask Daoud first. Nothing – not even water – move without Daoud. Did you hear Daoud mule?! Daoud say – Daoud try telling you nice-like boy. Daoud be peaceable. But you push Daoud. And Daoud push back!"</p>	
<p>Lady In Blue Face: "Stop! Are you so lost that you will let them reduce to this? What do you hope to prove by killing him? That you truly are a beast? They have stolen your name, your culture, your god. Do not let them steal your mind."</p>	
<p>Lady With White Hair: "Promise you'll come back home ..."</p>	
<p>Daoud: "Maroon girl right! Leave Daoud! Daoud want no help from you mule! Daoud kill you! ..."</p>	
<p>Daoud: "Daoud want no help ... Daoud kill ..."</p>	
<p>Unknown Lady: "Shut up Daoud ..."</p>	
<p>Black Panther: The Intergalactic Empire Of Wakanda, Part One, 1</p>	
<p>(IV) Captain: "May I offer you anything? Something to make you more comfortable? No, of course not. You are nameless. What need you have of comforts? This is what you are thinking, yes? I understand. I worked the mines once. But I tell you, comforts are not all bad, soldier. It's really a matter of sources. This, for instance, gives me great comfort. One slaver killed, one maroon saved. They say you carried one of your own under the hail of fire. Impressive.</p>	<p>The only pet peeves we had with Annie Mae was her living room and the Kool-aid. She was fixated on her living room and adamant that no one walk in there, breathe in their or even look at it. The thought of not walking through the living room had never even crossed my mind until she said not to. And the more she fussed about it, the more we wanted to do it. The carpet was all plush and clean and stuff and the furniture looked like it hadn't been moved in decades. It looked more like a mausoleum or something. When company came it was a treat for us because we knew we could finally visit the living</p>
<p>I am told that you know who we are, that you are aware of what we do. And that you are eager to join the battle against the empire.</p>	

<p>Know that my maroons have committed their lives to the empire's destruction. But also know that it is not enough for a man to declare what he would die fighting against. He must too know what he lives to fight for. And so I ask, my son, what do you fight for.</p> <p>T'Challa: "Home. I ... I fight to get back home."</p> <p>Captain: "Where is home?"</p> <p>T'Challa: "I ... I do not know. I feel it, more than I recall it. I cannot remember ... anything. I do not even know my name."</p> <p>Captain: Of course. They took that from you, took it from us all, and left us with only scraps of some other life."</p> <p>Black Panther: The Intergalactic Empire Of Wakanda, Part One, 1</p>	<p>room, walk on the carpet and test out the furniture.</p> <p>But the Kool-Aid was another story. Gramma must have had to ration sugar during the Great Depression or something because she went real light on the sugar when making Kool-Aid for us. We would frown up our faces even before we drank it because we knew the deal. It tasted more like sour water and the tartness of it seemed to paralyze your tongue and send the rest of your body into a spasm, twisting and turning, looking down at the floor trying to avoid making eye contact with her. We would complain in private to my mother, hoping that she would break the bad news because we would never do anything to her Gramma's feelings. Even my mother "chickened out" and kept quiet. For years "Annie Mae's sour Kool-Aid" was a must have whenever you visited.</p> <p>P.10</p>
<p>(V) Captain: "And what if I told you that this T'challa of legend walks amongst us?"</p> <p>Nakia: "I would say that "T'challa" is the most common name in the empire. And it is often adopted by those wishing a reincarnation."</p> <p>Captain: "Quite so. And yet three years ago, a man appeared claiming to be the true T'challa. This man was mocked at first, much as you mock now. He was subjected to trials of strength and courage -- and outlasted them all. We know that on planet Bast this man was hailed as the second coming. That he journeyed out to Nehanda's Lattice. That he fought the Shi'ar on behalf of the empire. And there met an untimely end."</p> <p>Nakia: "But do you not believe he met an untimely end?"</p>	<p>Secondly, I played defensive back and I was wearing a defensive lineman's number which only meant one thing – I was not going to play. While the rest of the guys charged out of the locker room hollering and screaming, Wesley Hackney and I charged out carrying the water cooler filled with some new drink called "Gatorade." It tasted good too. When the starters came off the field the benchwarmers got chewed out for drinking all the Gatorade.</p> <p>I spent my first year of high school football trying to keep bad stuff from happening. Do not get lit up in practice. Do not drink all the Gatorade. Huddle together with the other benchwarmers to avoid frostbite on the sidelines. And if by a miracle I did play and happened to get jacked up, do not let my mama come onto the field. I had given Suzie strict instructions that no matter what, she was to keep her behind in the stands; I never</p>

<p>Captain: "No. I do not. Nakia, I know that I can be a dreamer. Dreaming is what saved from the mines. Dreaming brought me to the maroons. But this is no dream. T'challa – our T'challa – is the ultimate. The avenger. He who put the knife where it belonged. How many times has he changed an enemy column alone and left splinters in his wake? What other theory can you offer?"</p> <p>Nakia: "Respectfully, captain ... the absence of my own theory is not proof of yours."</p> <p>Captain: "Indeed. Which is why I share this only with you. If my theory were known and wrong, it might spread false hope. And if it were known and right ... N'Jadaka would never stop hunting us."</p> <p><b>Black Panther: The Intergalactic Empire Of Wakanda, Part One, 3</b></p>	<p>would have lived down the embarrassment of being called a "Mama's boy."</p> <p>P.30</p>
<p><b>(VI) Man With Gray Hair:</b> "Like all empires, the empire of Wakanda is counterfeit. It is a confederacy of villains who've elevated criminality to galactic law. The empire creates nothing. It enlightens no one. Because as the great Changamire taught, empires do not enlighten, they plunder. In this field, I must admit, the empire has been a pioneer.</p> <p>The font of the empire's great power is the archive – its vast collection of knowledge. All of it plundered from the memories of the millions they've enslaved.</p> <p>More than the might of N'Jadaka, the archive is the font of imperial power. It is the archive that gave the empire its culture and technology. From the Rigellians, the empire acquired its vast knowledge of the stars. From the Teku-Maz, they pilfered literature and song. From the Kronan, they learned the true power of vibranium – life-blood of the empire. From the shadow people they stole knowledge of governance and hierarchy.</p>	<p>She ruled more with the "carrot" than the "stick." It was not just what she did, but how she did it. First of all, she would always make us peanut butter and jelly sandwiches for lunch. She always bought the crunchy peanut butter because that was what we liked. She would then cut the sandwiches diagonally across the corners, making two triangles. For your birthday would bake you a cake in any style you liked; she had 11 grandchildren in Farmville, which equated to 11 birthday cakes a year.</p> <p>And whenever you would cut your leg or hand from playing outside or falling off your bike, she would put hydrogen peroxide on it instead of alcohol because peroxide didn't sting. It seems insignificant now but to a child that stuff was important. You would never play with reckless abandon if you knew that the alcohol was waiting for you.</p> <p>P.10</p>

<p>This man we've captured – Kofi – is the empire's chief technologist. He has many responsibilities ... including maintenance of the archive. We are going to do to him precisely what he has done to so many. Mine every inch of his brain for intelligence. And then use it to neutralize the archive.</p>	
<p>The empire evolves too fast for us to fight, because the archive is alive. It does not hold knowledge. It analyzes and dissects it. Searching for partners for new ways to conquer and new ways to enslave.</p>	
<p>But we aren't just going to neutralize the archive. We are to avenge the victims, and make them whole. Because the empire didn't simply steal our technologies and culture – they stole our lives. Let them fight for our memories, comrades. Let us recover our names."</p>	
<p>Black Panther: The Intergalactic Empire Of Wakanda Part Two, 7</p>	
<p><b>(VII)</b> Farouk: "Jafari and his revolutionary guard have deceived you. Do you even know what the Jengu is?"</p> <p>Girl With Afro: "A revered creature among the Teku-Maza."</p> <p>Farouk: "The Jengu is not merely revered. She is our mother. Eons ago the Jengu ruled the seas of Agwe. From the Jengu, we Teku-Maza evolved into our current form. We built a great civilization beneath the waves. But we never forgot whose whim truly moved the waves. And then the imperials came. We fought them of course. But the empire was not to be denied. And our beloved Jengu were hunted to extinction. You know the empire, you know what came next. Our people were enslaved, our memories ripped from us, our culture plundered."</p>	<p>Whenever someone broke one of her rules you knew the penalty – the switch. She would make you go into the woods and pick your own. Now there was a strategy to this. The bigger the switch, the more stable it was, the more it would hurt, and the longer the beating would last. However, if you did not get a big enough switch Grandma would have Mr. Allen, the man she remarried later in life, go get one. And he would come back with an entire tree branch. Once my cousin returned with the switch, Grandma would examine it for length, thickness, and flexibility. Mr. Allen would add his two cents and no matter how long or thick the switch was, he always felt it was inadequate.</p> <p>Once the switch had passed inspection, the beating would begin. After hearing (never seeing) what took place next, that was the best advertisement Grandma needed as to what</p>

Girl With Afro: "And how did you just tell us that wonderful story with no memories?"	happened when you crossed her. P.15
Farouk: "Don't you know? Is that not why you are here? Only Jengu survived <del>N'Jadaka's assault. She hid away in the</del>	
depths of the planet, in the deepest oceans. And when we rebelled again, she joined the battle. The Jengu is the last of its kind, but its connection to this planet is inviolable. It was the Jengu who told us the old stories. It is the Jengu who holds the last vestiges of what we once were.	
You are being told that we have kidnapped the Jengu. That we work with the empire. You have been told wrong."	
Girl With Afro: "Wrong how?"	
Farouk: "Follow me, please. I will show you."	
T'Challa: "Follow you where?"	
Farouk: "You came to see the Jengu, did you not? I will show her to you, but first – why she is even here, why there is even this rebellion. Three years ago, the empire returned and we had to fight to preserve our victory. N'Yami had left to join the larger resistance years prior. And so our first thought was to forge an alliance with you – N'Yami's maroons. But when our entreaties went unanswered – new measures were considered."	
Girl With Afro: "For us, we were running for our lives."	
Farouk: "Your ally Jafari came up with a novel idea: sue for peace with the empire ... by offering up the Jengu."	
Girl With Afro: "What? Jafari is a freedom fighter."	

<p>Farouk: "He still is fighting for freedom – his freedom. Jafari is not concerned with the empire's doings elsewhere. He only cares for Agwe."</p>	
<p>T'Challa: "<del>And you opposed him.</del> That is what began this current war."</p>	
<p>Farouk: "It was a betrayal of all that N'Yami stood for. But I suspect Jafari has now gone much further. So far he has failed to deliver the Jengu, and has thus likely promised something more."</p>	
<p>Girl With Afro: "Something ... like us."</p>	
<p>T'Challa: "That would be Jafari?"</p>	
<p>Farouk: "No ... much worse."</p>	
<p>Black Panther: Intergalactic Empire Of Wakanda, Part Two, 9</p>	
<p>(VIII) N'Kano (Man In Green): "You know, Brian, before the wrecking crew, I was a scientist. Dignified and respectable. They used to call me "The Black Bruce Banner." Why am I still down here?"</p>	<p>Whenever someone broke one of her rules you knew the penalty – the switch. She would make you go into the woods and pick your own. Now there was a strategy to this. The bigger the switch, the more stable it was, the more it would hurt, and the longer the beating would last. However, if you did not get a big enough switch Grandma would have Mr. Allen, the man she remarried later in life, go get one.</p>
<p>Brian: "For the same reason they didn't call you "The white Eliot Franklin."</p>	<p>And he would come back with an entire tree branch. Once my cousin returned with the switch, Grandma would examine it for length, thickness, and flexibility. Mr. Allen would add his two cents and no matter how long or thick the switch was, he always felt it was inadequate. Once the switch had passed inspection, the beating would begin.</p>
<p>N'Kano: "Oh, so you're woke now or something."</p>	<p>After hearing (never seeing) what took place next, that was the best advertisement Grandma needed as to what happened when you crossed her. One way to avoid the switch</p>
<p>Brian: "Yeah, a regular Malcolm Farrakhan."</p>	
<p>N'Kano: "I gotta make some changes ..."</p>	
<p>Brian: "And I gotta get the door. It's our job, remember? Huh, no one – "</p>	
<p>N'Kano: "Wait, piledriver, don't! Allow me to reintroduce myself, my name is –"</p>	
<p>Lady In Lavender: "N'Kano ... that line is almost as old as Wakanda."</p>	

<p>N'Kano: "I respect the classics."</p> <p>Lady In Lavender: "You respect the corny."</p>	<p>was to keep Grandma in a good mood. P.15</p>
<p><del>Black Panther: "Stay vigilant everyone. Remember why we are here."</del></p> <p>N'Kano: "These men are weak, my king. We did we even need ... oof!"</p> <p>Andrea: "I believe that's our cue, Andrea."</p> <p>Andreas: "Yes, I believe it is Andrea."</p> <p>Andrea: "And what a treat we have! Chief T'Challa and his merry band of monkeys."</p> <p>Andreas: "Shall we put the monkeys back in their cage, Andrea?"</p> <p>Andrea and Andreas (together): "Yes, I believe we shall."</p>	
<p>Black Panther: "Clearly you were not paying attention the last time we did this."</p>	
<p>Andrea: "Oh, but we were. You should never have come here, T'Challa. Our house. Our rule. Our party. His suit absorbs and reflects energy Andreas."</p>	
<p>Andreas: "How about we give it a stress test, Andrea? So much for your suit, I guess. What now, Chief T'Challa?"</p>	
<p>T'Challa: "What, indeed ..."</p>	
<p>Andrea: "Hey ... where did ... Find him!?"</p>	
<p>Lady In Lavender: "No need."</p>	
<p>T'Challa: "Option one: you settle your guards down now. Option two: I deploy this energy dagger and we get to see exactly what's on</p>	

<p>your mind. P-perhaps this is a good time f-for a détente. Smart move.”</p> <p>Andrea: “We don’t know anything about a girl, T-Challa.”</p>	
<p>Andreas: “And if we did, we certainly wouldn’t say anything to a kaffir like you.”</p> <p>Andrea: “Yes, monkeys belong in cages. Someday we will put you in one.”</p> <p>N’Kano: “That’s your mans and them?”</p> <p>Lady In Lavender: “Corny.”</p> <p>N’Kano: “No. That is neither my mans nor them.”</p> <p>T’Challa: “Take them away. But not thunderball.”</p> <p>Brian: “Dude racist much?”</p> <p>T’Challa: “Dr. Franklin. It’s always an honor. I do not think I have ever told you this, but I studied your research as a student. It was impressive.”</p> <p>Brian: “You … you know me?”</p> <p>T’Challa: “Of course. Your work on gamma radiation was pioneering. How could I forget your name?”</p> <p>Brian: “Yeah … the black Bruce Banner.”</p> <p>T’Challa: “No. Dr. Franklin. Dr. Eliot Augustus Franklin. The names these people give us – as though they know us better than our fathers, or our own deeds. They have no imagination Dr. Franklin. To them we are only shadows of their glory, never our beautiful, original selves. There is nothing original in being “black Bruce Banner.” This country’s prisons heave with black Bruce</p>	

<p>Banners. As I think you know. Dr. Franklin, I will be brief. Time is of the essence.”</p> <p>N’Kano: “The girl.”</p>	
<p>T’Challa: “Yes, the girl.” These people who employ you, these people who mock us, to whom we are only shadows, they took her and ... well, Dr. Franklin, I believe that you are a brilliant man. But more, I believe you were a good man one. And that you might well be one again. You do not have to answer to whatever they call you Dr. Franklin. It is not too late to recover your own name.”</p>	
<p>Black Panther: Avengers Of The New World, Part One, 16</p>	
<p>(IX) Captain: “He must too know what he lives to fight for. And so I ask, my son, what do you fight for?</p>	<p>She would threaten my cousins, one in particular, that “You going to the pen.” I’m thinking like, “What pen ... the pig pen? And why would you be sent to the pig pen for being a big liar?” I was too young to understand but she was fixated on keeping her grandchildren “out the pen.” P.15</p>
<p>T’Challa: “Home. I ... I fight to get back home.”</p> <p>Captain: “Where is home?”</p>	
<p>Black Panther: The Intergalactic Empire Of Wakanda, Part One, 1</p>	
<p>Farouk: “You are being told that we kidnapped the Jengu. That we work with the empire. You have been told wrong.”</p>	
<p>Girl With Afro: “Wrong how?”</p>	
<p>Farouk: “Follow me, please. I will show you.”</p>	
<p>Girl With Afro: “Follow you where?”</p>	
<p>Black Panther: Intergalactic Empire Of Wakanda, Part Two, 9</p>	
<p>Farouk: “So far he has failed to deliver the Jengu, and has thus likely promised something more.”</p>	

Girl With Afro: "Something ... like us?"  Black Panther: Intergalactic Empire Of Wakanda, Part Two, 9	
Farouk: "Your ally Jafari came up with a novel idea: sue for peace with the empire ... by offering up the Jengu."  Girl With Afro: "What? Jafari is a freedom fighter?"  Black Panther: Intergalactic Empire Of Wakanda, Part Two, 9  Andreas: "How about we give it a stress test, Andrea? So much for your suit, I guess. What now, Chief T'Challa?"  T'Challa: "What, indeed ..."  Black Panther: Avengers Of The New World, Part One, 16	

## EXHIBIT H

Below is a comparison of the dialogue in *Captain America* versus the prose in *Shock Exchange*.

<i>Captain America</i>	<i>Shock Exchange</i>
<p>(I) Micah: "Y-you wanted to see me, Vicar Gallo?"</p> <p>Vicar Gallo: "Yes Micah. I was just going over your numbers, and I must say, they don't look good. In fact, they haven't looked good for some time now."</p> <p>Micah: "I – I know. I've tried. I really have. I brought you Johnny. He's a hard worker, isn't he??"</p> <p>Vicar Gallo: "He is that. But this is America, Brother Micah. Hard workers abound. I don't need more labor."</p> <p>Micah: "I've done the best I can, I am telling you. Please Vicar. This place means so much. First time I been clean in years. Everybody's given up on me. My daddy. My daughter, Mary. All of 'em. So you see, ain't nothing out there for men like me. Just dust and sin. Adamsville is all I got left. Please ... I'll try harder. You'll see. Please don't throw me away. Been thrown away all my life. Daddy. My Mary ... don't throw me away like the others."</p> <p>Vicar: Gallo: "Oh, brother Micah. Let me assure you of something. I am nothing like the others."</p>	<p>Whenever he came home from work Sharmane usually met him in the driveway before he could get out of the car ... Grandpa was seemingly in three states – going to work, at work, or coming from work. We never saw him except for on weekends. He worked the night shift for decades and I never once heard the man complain. He did whatever he had to do in order to provide for his family. As much as he was a killjoy, he definitely had our respect. He worked hard and was a man of means.</p> <p>P.12</p>
Captain America: All Die Young, 20	
<p>(II) TV Commentator: "It is here in the heartlands so often dismissed as sleepy flyover country, that a revolution is brewing. This revolution is being led by the American man, who is at last standing up for his values. If you're looking for champions in these dark times, look no further than the men who've</p>	<p>My Daddy was never around. During the weekdays he was always working. He had lots of jobs growing up, but the job I remembered most was when he worked in construction in Richmond. Suzie would drive him to meet his carpool at 6 a.m. when we were in the bed sleep. He was like a</p>

<p>come to this hamlet of Adamsville. Men like Guy Perkins."</p>	<p>ghost ... we could hear footsteps from time to time but never really saw him. And on the weekends he was always out with his cousin Larry; the two were inseparable. When you mentioned one you had to mention the other – "Ralph and Larry" or "Larry and Ralph."</p>
<p>Guy Perkins: "Problem is we've gone soft. My daddy worked 30 years in the steel factories. Hard work, yeah, but hard work made for hard men. And my daddy was hard, I'm telling you. Didn't take nothing off the bosses or the illegals. And when the scabs cam sniffing around, my god, my daddy knew how to handle' em. But we got soft. You see. Let video games raise our kids. Stopped protecting our women.</p>	<p>I always had the impression that My Daddy could not have cared less about us, since he was never around. And we sort of liked it that way because when he was around he was always barking orders; he was either giving orders or critiquing the orders we were supposed to carry out.</p>
<p>Any wonder that when Hydra marched through our streets, we all bent the knee? Soft, I tell you! By God, my poor old daddy knew how to handle 'em. Would've said, 'Boy, pass me my boots and rifle. Stand me up one last time.' By God, I can hear him now." I don't know what happened to us. I don't know how you go from the greatest generation to ... this ...</p>	<p>P.22</p>
<p>TV Commentator: "However it happened, we now know how it will be undone. Adamsville is a small Ohio town where men rededicate themselves to the wisdom of plain folk. Hard work is plentiful to any American male with two hands."</p>	
<p>Captain America: All Die Young, 20</p>	
<p>(III) Guy Perkins: "Problem is we've gone soft. My daddy worked 30 years in the steel factories. Hard work, yeah, but hard work made for hard men. And my daddy was hard, I'm telling you. Didn't take nothing off the bosses or the illegals. And when the scabs cam sniffing around, my god, my daddy knew how to handle' em. But we got soft. You see. Let video games raise our kids. Stopped protecting our women.</p>	<p>Whenever he came home from work Sharmane usually met him in the driveway before he could get out of the car ... Grandpa was seemingly in three states – going to work, at work, or coming from work. We never saw him except for on weekends. He worked the night shift for decades and I never once heard the man complain. He did whatever he had to do in order to provide for his family. As much as he was a killjoy, he definitely had our respect. He worked hard and was a man of means.</p>
<p>Captain America: All Die Young, 20</p>	<p>P.12</p>

<p><b>(IV) Man In Teal Shirt 1:</b> "I gotta tell you, Adamsville isn't the first time I've even seen this. A while back I was in this other town, and it was the same thing – this hunger for something old, something lost."</p>	<p>When we played football I had to be 'Number 43' for Larry Brown, the All-Pro running back for the Washington Redskins. Larry Brown was my hero and if I could not be #43 then I was not playing. And if I wasn't playing, nobody was going to play. I would hold up games for 15-20 minutes at a time with my nonsense.</p>
<p><b>Man In Blue Overalls:</b> "Yeah, miss me with that. A crowd like this, talking about bringing back the old days? Believe me, I know what comes with it."</p>	<p>P.14</p>
<p><b>Man In Teal Shirt:</b> "A lie. That's what comes with it. A big fat lie. That town I was in, it was a cover for manufactured nukes. So the question here is, what is Selene covering for? What is the lie?"</p>	
<p><b>Man In Green Shirt:</b> "We don't have to figure out all of that to save Sharon."</p>	
<p><b>Man In Teal Shirt:</b> "No. We don't. But we should. We're the good guys, right? So what do we know?"</p>	
<p><b>Man In Green Shirt:</b> "From what I can see, it's got all the markings of what these Wall Street guys call 'multilevel marketing.'</p>	
<p><b>Man In Blue Overalls:</b> "A pyramid scheme."</p>	
<p><b>Man In Green Shirt:</b> "Yep."</p>	
<p><b>Man In Teal Shirt:</b> "So what is it? To stay in Adamsville, you have to keep bringing in recruits?"</p>	
<p><b>Man In Green Shirt:</b> "Seems like that. Men who can't meet the quota just disappear."</p>	
<p><b>Man In Blue Overalls:</b> "Disappear or get disappeared? Selene's a vampire. She hunts down her victims and devours them."</p>	
<p><b>Man In Teal Shirt:</b> "Right, but why hunt ... when you can just farm?"</p>	

Captain America: All Die Young, 20	
(V) Dr. Selene Gallo: "Brothers of Adamsville, I am not from here. I am from the old world. I grew up in a small village, modest and clean. I had a mother, father, kind neighbors. We were not people of means, but we were happy. And then came a madman who burned our village, tortured the men, shot the boys ... and the girls ... Let us not speak of what became of the girls.  Eva was right. Soldiers from your America, men of America – they saved us. Just as your greatest generation saved the world itself. I know what they say – the American man is not what he was, the American man has fallen into the long night of iniquity. His boys can be seen languishing among the drug dens, and his girls ... well, I say it again ... let us not speak of the girls. That is why what we have done here in Adamsville is a miracle, more than a miracle, even. It is restoration."	Whenever he came home from work Sharmane usually met him in the driveway before he could get out of the car ... Grandpa was seemingly in three states – going to work, at work, or coming from work. We never saw him except for on weekends. He worked the night shift for decades and I never once heard the man complain. He did whatever he had to do in order to provide for his family. As much as he was a killjoy, he definitely had our respect. He worked hard and was a man of means. P.12
Captain America: All Die Young, 21	
(VI) Lady In Pantsuit: "Uncle William. He's such a cad, but harmless, really, I assure you. Cheer Chadwick. I'm uncle William's niece and valet. I met with your wife a month ago when we were ... formalizing things."  Man In Tuxedo: "Your uncle ... quite dashing isn't he?"  Lady In Pantsuit: "Master of Kronas Corporation. Acquired and flipped Roxxon Energy for a multi-billion dollar profit. And now shado-master of Madripoor. Perhaps soon even more. Much more. Sounds dashing to me. And really one wonders why such a dashing gentleman even bothers with such petty jealousy when he can easily take what he wants. And so simply discard what he does not."	But what I heard were "black people and welfare." In the mid'80s "welfare" was a hot-button topic. President Reagan politicized it during his presidential campaign by implying that welfare was dragging the country down and linking to the image of a black woman with five kids by three different men.  Even in the black community it was seen as persona non grata. Uncle Jesse railed against it on the way to Sunday school, during Sunday school, and on the way home from Sunday school. Thomas, Mark and I had heard that "welfare speech" so many times that we could recite it by heart. P.51
Captain America: All Die Young, 21	

<p><b>(VII) Man In Green Shirt:</b> "Mistress, please!"</p> <p>Man In Orange Shirt: "Please don't sent me away."</p>	<p>Furthermore, the theory about people not wanting to work was the darnedest thing I had ever heard and a complete folly. My arguing was the equivalent of "taking a knife into a gun fight." I had emotion on my side but Hendley had me outgunned – a few hundred years of economic theory and data on human behavior.</p> <p>P.51</p>
<p>Captain America: All Die Young, 21</p> <p><b>(VIII) Steve Rogers:</b> "You sure you wanna do this?"</p> <p>Sharon: "Are you?"</p> <p>Steve Rogers: "Not the same old Sharon anymore, huh?"</p> <p>Sharon: "Not the same young Sharon. Not after that upgrade from Shuri."</p> <p>Steve Rogers: "Yeah, I see. I'm still trying to calibrate."</p> <p>Sharon: "How 'bout you don't calibrate at all, soldier."</p>	<p>He was like a ghost ... we could hear footsteps from time to time but never really saw him. And on the weekends he was always out with his cousin Larry; the two were inseparable. When you mentioned one you had to mention the other – "Ralph and Larry" or "Larry and Ralph."</p> <p>P.22</p>
<p>Captain America: All Die Young, 24</p> <p><b>(IX) Steve Rogers:</b> "I know what the past few months have meant to you. I know how much you've been hurt. And I know that I've been part of that hurt. I'm Captain America – not Captain Perfect. But I've been fighting for this country since I was a kid. And what I know now, more than ever ... is that our greatest generations are yet to come. I know we've seen some dark times – broken trust, betrayal. I've seen firsthand what that betrayal has done to us. I've seen the families divided, the small towns abandoned, the closed factories, the shuttered churches. And I've seen those who'd pose as saviors unmasked as charlatans. And I know how hard it is to believe again. But I am asking you to still</p>	<p>The students later gathered at John's auditorium where they gave us a pep talk about what a fine college choice we had made and the expectations of a "Hampden-Sydney Gentleman." A Hampden-Sydney Gentleman was a man of honor and everyone took a pledge not to "lie, cheat or steal, or tolerate anyone who does." The College was dead serious about that Honor Code. You could get suspended simply for writing a bad check. The majority of the Honor Code violations was a result of procrastination. If you waited until the last minute on an assignment, you were prone to take shortcuts. I knew a guy who procrastinated on a research paper. He went into his fraternity's files to find a paper</p>

<p>believe in America. Believe in yourselves. Believe in the people.</p> <p>Captain America: All Die Young Part Two, 24</p>	<p>written in that same professor's class. First he merely got an idea for a subject to write about. He then borrowed a paragraph or two, and that paragraph turned into three or four paragraphs. He got an "A" on the assignment and afterward the professor inquired about his sources. The professor had remembered the original paper and the student who had written it from over a decade earlier. Naturally, he suspected the student of plagiarism.</p> <p>P.38</p>
<p>(X) Man In Green Shirt: "You know, dear, the world really has changed."</p> <p>Sinthea: "More Lessons?"</p> <p>Man In Green Shirt: "Lectures Sinthea."</p> <p>Sinthea: "Yeah? And what do I need those for?"</p> <p>Man In Green Shirt: "Because you are not some mere thug slinking slinking through the alleys of American ghettos. You are my daughter."</p> <p>Sinthea: "I am not you – "</p> <p>Man In Green Shirt: "More importantly, you are my heir. And as such, it is necessary that you do not repeat certain errors I've made. Certain mistakes. The Red Skull doesn't make mistakes. The Red Skull – a man. I am a man, my dear. And mistakes are how men learn. Indeed, it was a mistake to ever let you think I was more."</p> <p>Sinthea: "But ... the mask ..."</p> <p>Man In Green Shirt: "The mask is not the man. The mask must ever be a tool. Once, I allowed this tool to use me, to dictate to me."</p> <p>Sinthea: "I am not following."</p>	<p>There was always something going on Up the House, like some big-time family gathering or activity. For Mother's Day the boys took on the girls in a family softball game. The boys won of course, but this nonsense was a spectacle. You always knew whose mother was at bat because the kid would stare at the ground out of embarrassment or try to hide behind a tree.</p> <p>First of all, my mother hit from the left side of the plate. I mean, who does that? Then she pulled her right leg out before swinging, as if she was afraid to get hit by the ball. You were supposed step toward the pitcher, that way you generate more power when swinging through the ball. Who didn't know that? Then she couldn't make contact with the ball ... embarrassing! It took her about 10 swings before she could ever put the ball in play and that was usually a weak ground ball. We would pretend to misplay the ball so she could get on base. Every year the boys would destroy the girls.</p> <p>P.17</p>

<p>Man In Green Shirt: "Hmmm ... Perhaps a more concrete example. Some years, I sought to augment the hate men felt and turn them against my enemies. It failed. I tried again. It failed again. Why? Because I was blinded by my own hate, and thus misunderstood hate itself. You see hate is natural."</p>	
<p>Narrator: "Hate is part of what makes us who we are. Something so human need not be implanted. It need not be augmented. It need only be harnessed. For hate is a tool. Hate is a device."</p>	
<p>Captain America: All Die Young Part Two, 27</p>	
<p>Captain America: "So let me guess – your brother, he disappears into the Internet. And when he comes back out he can't stop talking about his new theory of the world. And that theory comes from one man. "The Red Skull."</p>	
<p>The Man Who Wasn't: "Y-yeah ... He did."</p>	
<p>Captain America: "It's the same for all of them. Young men. Weak. Looking for purpose. I found the flag. I found the badge. They found the skull. He tells them what they've always longed to hear. That they are secretly great. That the whole world is against them. That if they're truly men, they're fight back. And bingo – that's their purpose. That's what they live for. And that's what they'll die for."</p>	
<p>Captain America: All Die Young Part Two, 28</p>	
<p>(XII) Red Skull: "What has happened to the men of the world is truly one of the great tragedies of our time. Once, the American man was a conqueror. Now his is but a caretaker. And a caretaker of what? He stands for some amorphous dream – a dream of nothing. But what I offer you is more than</p>	<p>For Mother's Day the boys took on the girls in a family softball game. The boys won of course, but this nonsense was a spectacle. You always knew whose mother was at bat because the kid would stare at the ground out of embarrassment or try to hide behind a tree.</p>

just some petty dream, more than a life of tending the hearth. No more shall women be summoned to fight our battles. I offer steal for your spine and iron for your gut. I offer you the sword of manhood.	First of all, my mother hit from the left side of the plate. I mean, who does that? Then she pulled her right leg out before swinging, as if she was afraid to get hit by the ball. You were supposed step toward the pitcher, that
Captain America: All Die Young Part Two, 28	way you generate more power when swinging through the ball. Who didn't know that? Then she couldn't make contact with the ball ... embarrassing! It took her about 10 swings before she could ever put the ball in play and that was usually a weak ground ball. We would pretend to misplay the ball so she could get on base. Every year the boys would destroy the girls.

P.17

## EXHIBIT I

Below is a comparison of the dialogue in the *Black Panther* movie versus the prose from *Shock Exchange*.

<b><i>Black Panther Movie</i></b>	<b><i>Shock Exchange</i></b>
<p>(I) Killmonger: "I was just checking out these artifacts. They tell me you're the expert."</p> <p>Museum Employee: "You could say that."</p> <p>Killmonger: "They're beautiful. Where is this one from."</p> <p>Museum Employee: "The Bobo Ashanti tribe, present day Ghana, 19<sup>th</sup> century."</p> <p>Killmonger: "For real? What about this one?"</p> <p>Museum Employee: "That one's from the Edo people of Benin, 16<sup>th</sup> century."</p> <p>Killmonger: "Now, tell me about this one."</p> <p>Museum Employee: "Also from Benin, seventh century. Fula tribe, I believe."</p> <p>Killmonger: "Nah."</p> <p>Museum Employee: "I beg your pardon."</p> <p>Killmonger: "It was taken by British soldiers in Benin but it's from Wakanda."</p> <p>15:36 mark<sup>16</sup></p>	<p>And from then on Grandma had a rule, "If that boy don't play, nobody plays!" To this day my cousins describe me as the "demon" that could do no wrong. Grandma had about 20 grandkids, 17 great-grandkids and kept two or three foster kids from time to time. Add in some additional kids from the neighborhood and there was an army of us. The activities went around the clock. And whatever games were going on, all you heard was, "Let that boy play."</p> <p>P.13</p>

<p><b>(II) T'Challa:</b> "Are you finished? So surprised my little sister came to see me off before our big day.</p> <p>Princess: "You wish. I'm here for the EMP beads. I've developed an update."</p> <p>T'Challa: "Update? No. It worked perfectly."</p> <p>Princess: "How many times do I have to teach you? Just because something works doesn't mean it cannot be improved."</p> <p>T'Challa: "You are teaching me? What do you know?"</p> <p>Princess: "More than you."</p> <p>T'Challa: "I can't wait to see what kind of update you make to your ceremonial outfit."</p> <p>Ramonda: "Shuri ..."</p> <p>Shuri: "Sorry Mother."</p> <p>T'Challa: "How are you feeling today, Mama?"</p> <p>14:35 mark</p>	<p>She would threaten my cousins, one in particular, that "You going to the pen." I'm thinking like, "What pen ... the pig pen? And why would you be sent to the pig pen for being a big liar?" I was too young to understand but she was fixated on keeping her grandchildren "out the pen."</p> <p>P.15</p>
<p><b>(III) Old Lady:</b> "The Merchant Tribe will not challenge today."</p> <p>Man From Border Tribe: "The Border Tribe will not challenge today."</p> <p>Man From River Tribe: "The River Tribe will not challenge today."</p> <p>Woman From Mining Tribe: "The Mining Tribe will not challenge today."</p> <p>Zuri: "Is there any member of a royal blood who wishes to challenge for the throne?"</p> <p>Shuri: "This corset is really uncomfortable, so could be all just wrap it up and go home? Mother! ... Are they Jabari?"</p>	<p>And from then on Grandma had a rule, "If that boy don't play, nobody plays!"</p> <p>To this day my cousins describe me as the 'demon' that could do no wrong. Grandma had about 20 grandkids, 17 great-grandkids and kept two or three foster kids from time to time. Add in some additional kids from the neighborhood and there was an army of us. The activities went around the clock. And whatever games were going on, all you heard was, 'Let that boy play.' If there was a basketball game going on and my older cousins blew me off, I ran into the house to tell Grandma. She would come outside and take the ball away until they let me shoot a few times, or let me stand on the court and</p>

<p>Ramonda: "Yes."</p> <p>Zuri: "M'Baku, what are you doing here?"</p>	<p>give the illusion as if I was actually playing. P.14</p>
<p>M'Baku: "It's challenge day. We have watched and listened from the mountains. We have watched with disgust as your technological advancements have been overseen by a child! Who scoffs at tradition. And now you want to hand the nation over to this prince who could not keep his own father safe. Mmm? We will not have it. I say we will not have it, oh! I, M'Baku, leader of the Jabari ..."</p> <p>T-Challa: "I accept your challenge, M'Baku ..."</p> <p>Zuri: "Let the challenge begin." 22:00 mark</p>	
<p>(IV) T'Challa: (In Wakandan) "Father."</p> <p>T'Chaka: (In Wakandan) "My son."</p> <p>T'Challa: (In Wakandan) "I'm sorry."</p> <p>T'Chaka: "Stand up. You are a king ... (In Wakandan) What is wrong with my son?"</p> <p>T'Chala: (In Wakandan) "I am not ready."</p> <p>T'Chaka: (In Wakandan) "Have you not prepared to be king your whole life? Have you not trained and studied, been by my side?"</p> <p>T'Challa: "That is not what I am talking about. I am not ready to be without you."</p> <p>T'Chaka: "A man who has not prepared his children for his own death has failed as a father. Have I ever failed you?"</p> <p>T'Challa: "Never. Tell me how to best protect Wakanda. I want to be a great king Baba just like you."</p>	<p>While the rest of the guys charged out of the locker room hollering and screaming, Wesley Hackney and I charged out carrying the water cooler filled with some new drink called "Gatorade." It tasted good too. When the starters came off the field the benchwarmers got chewed out for drinking all the Gatorade.</p> <p>I spent my first year of high school football trying to keep bad stuff from happening. Do not get lit up in practice. Do not drink all the Gatorade. Huddle together with the other benchwarmers to avoid frostbite on the sidelines. And if by a miracle I did play and happened to get jacked up, do not let my mama come onto the field.</p> <p>P.30</p>

<p>T'Chaka: "You're going to struggle so you'll need to surround yourself with people you trust. You are a good man with a good heart. And it's hard for a good man to be king."</p>	
<p>T'Challa: [Gasping]</p> <p>Zuri: "Breathe. T'challa. breathe. Breathe."</p> <p>T'Challa: "He was there. He was there. My father."</p> <p>31:00 mark</p>	
<p>(V) T'challa: "Come home, Nakia."</p> <p>Nakia: "I'm right here."</p> <p>T'Challa: "Stay."</p> <p>Nakia: "I came to support you and to honor your father but I can't stay. It's just I found my calling out there. I've seen to many in need just to turn a blind eye. I can't be happy here knowing that there's people out there who have nothing."</p> <p>T'Challa: "What would you have Wakanda do about it?"</p> <p>Nakia: "Share what we have. We could provide aid and access to technology and refuge to those who need it. Other countries do it. We could do it better."</p> <p>T'Challa: "We are not like these other countries, Nakia. If the world found out what we truly are, what we possess, we could lose our way of life."</p> <p>33:00 mark</p>	<p>For Mother's Day the boys took on the girls in a family softball game. The boys won of course, but this nonsense was a spectacle. You always knew whose mother was at bat because the kid would stare at the ground out of embarrassment or try to hide behind a tree. First of all, my mother hit from the left side of the plate. I mean, who does that? Then she pulled her right leg out before swinging, as if she was afraid to get hit by the ball. You were supposed step toward the pitcher, that way you generate more power when swinging through the ball. Who didn't know that?</p> <p>Then she couldn't make contact with the ball ... embarrassing! It took her about 10 swings before she could ever put the ball in play and that was usually a weak ground ball. We would pretend to misplay the ball so she could get on base. Every year the boys would destroy the girls.</p> <p>P.17</p>
<p>(VI) T'Challa: "If you were not so stubborn you could make a great queen."</p> <p>Nakia: "I would make a great queen because I am so stubborn."</p> <p>34:25 mark</p>	<p>He was like a ghost ... we could hear footsteps from time to time but never really saw him. And on the weekends he was always out with his cousin Larry; the two were inseparable. When you mentioned one you had to mention the other -- "Ralph and Larry" or "Larry and Ralph."</p>

	P.22
<p>(VII) Shuri: "Here are your communication devices for Korea. Unlimited range, also equipped with audio surveillance system. Check these out. Remote access kimoyo beads. Updated to interface directly with my sand table.</p> <p>T'Challa: "Ah. And what are these?"</p> <p>Shuri: "The real question is, "What are those? Why do you have your toes out in my lab?"</p> <p>T'Challa: "What, you don't like my royal sandals?"</p> <p>38:20 mark</p>	<p>He was like a ghost ... we could hear footsteps from time to time but never really saw him. And on the weekends he was always out with his cousin Larry; the two were inseparable. When you mentioned one you had to mention the other – "Ralph and Larry" or "Larry and Ralph."</p> <p>P.22</p>
<p>(VIII) T'Challa: "I wanted to go old school for my first day."</p> <p>Shuri: "I bet the elders loved that. Try them on. Fully automated like the old American movie Baba used to watch.</p> <p>T'Challa: "Mmm"</p> <p>Shuri: "And I made them completely sound absorbent."</p> <p>T'Challa: "Interesting."</p> <p>Shuri: "Guess what I call them. Sneakers. Because you ... never mind. If you're going to take on Klaue you'll need the best the design group has to offer. Exhibit A.</p> <p>T'Challa: "My design?"</p> <p>Shuri: "Old tech."</p> <p>T'Challa: "Old?"</p> <p>Shuri: "Functional, but old."</p> <p>38:48 mark</p>	<p>She would threaten my cousins, one in particular, that "You going to the pen." I'm thinking like, "What pen ... the pig pen? And why would you be sent to the pig pen for being a big liar?" I was too young to understand but she was fixated on keeping her grandchildren "out the pen."</p> <p>P.15</p>

<p><b>(IX)</b> Shuri: "Now, look at these. Do you like that one?"</p> <p>T'Challa: "Tempting. But the idea is to not be unnoticed."</p> <p>T'Challa: "This one."</p>	<p>Suzie would drive him to meet his carpool at 6 a.m. when we were still in bed sleep. When he got home at 10 p.m. or later, we were in bed sleep. He was like a ghost ... we could hear footsteps from time to time but never really saw him.</p>
<p>Shuri: "Now tell it to go on ... Ooooh! The entire suit fits within the teeth of the necklace. Strike it."</p> <p>T'Challa: Anywhere?"</p> <p>Shuri: "Mmm-hmm ... Not that hard, genius!"</p> <p>T'Challa: "You told me to strike it. You didn't say how hard."</p> <p>39:38 mark</p>	<p>And on the weekends he was always out with his cousin Larry; the two were inseparable. When you mentioned one you had to mention the other – "Ralph and Larry" or "Larry and Ralph."</p> <p>P.22</p>
<p><b>(X)</b> T'Challa: "You are buying from Klaue."</p> <p>Agent Ross: "What I'm doing or not doing on behalf of the U.S. government is none of your concern. Now, whatever the hell you're up to, do me a favor, and stay out of my way."</p> <p>T'Challa: "I gave you Zemo"</p> <p>Agent Ross: "Didn't I keep it under wraps that the king of a third world country runs around in a bulletproof catsuit? I'd say we were even. You really need to leave, now."</p> <p>T'Challa: "Klaue is leaving out that door with me. You've been warned ..."</p> <p>43:20 mark</p>	<p>Suzie would drive him to meet his carpool at 6 a.m. when we were still in bed sleep. When he got home at 10 p.m. or later, we were in bed sleep. He was like a ghost ... we could hear footsteps from time to time but never really saw him.</p> <p>And on the weekends he was always out with his cousin Larry; the two were inseparable. When you mentioned one you had to mention the other – "Ralph and Larry" or "Larry and Ralph."</p> <p>P.22</p>
<p><b>(XI)</b> Agent Ross: "Okay, hold up. The king of Wakanda is here. He cannot leave with Klaue ... All right, vibranium from the attack on Sokovia links back to a person that I'm not actually saying I'm here to make a deal with but that deal will not be called off. When the dust settles, you and me can work something out."</p> <p>T'Challa: "I'm not here to make a deal ..."</p>	<p>It was not just what she did, but how she did it. First of all, she would always make us peanut butter and jelly sandwiches for lunch. She always bought the crunchy peanut butter because that was what we liked. She would then cut the sandwiches diagonally across the corners, making two triangles. For your birthday would bake you a cake in any style you liked; she had 11 grandchildren in</p>

<p>Agent Ross: "Please, don't make me listen to your music. I meant you got a lot of people with you."</p>	<p>Farmville, which equated to 11 birthday cakes a year. P.10</p>
<p><del>Ulysses Klaue: "You think they're here for you? Don't worry. I can do a deal with you all by myself, thank you very much."</del> 44:30 mark and 45:50 mark</p>	
<p><b>(XII)</b> Black Panther: "Klaue! Did you think we would forget? Look at me, murderer! Where did you get this weapon?"</p>	<p>The little boy was still crying and acting up while the mother shouted something in a foreign language. The Swiss speak about five different languages, but whatever she was saying, I was certain it involved some "tea." Lake Geneva seemed as if it would go on forever. I thought what a shame it was that everybody from Farmville did not get the opportunity to see the sun set over Lake Geneva. And then it happened! The little boy received his tea and in an instant, I was back in Farmville, waiting for Grandma to save me from Suzie.</p>
<p>Ulysses Klaue: "You savages didn't deserve it. Oh mercy, King. Mercy."</p>	
<p>Black Panther: "Every breath you take is mercy from me."</p>	
<p>Okoye: "King!" 53:00 mark</p>	<p>P.113</p>
<p><b>(XIII)</b> Ulysses Klaue: "A technological marvel all because it was built on the mound of the most valuable metal known to man. Isipho, they call it. The gift. Vibranium."</p>	<p>She would threaten my cousins, one in particular, that "You going to the pen." I'm thinking like, "What pen ... the pig pen? And why would you be sent to the pig pen for being a big liar?" I was too young to understand but she was fixated on keeping her grandchildren "out the pen."</p>
<p>Agent Ross: "Vibranium, yeah, strongest metal on earth."</p>	<p>P.15</p>
<p>Klaue: "It's not just a metal. They sew it into their clothes. It powers their city, their tech, their weapons."</p>	
<p>Agent Ross: "Weapons?"</p>	
<p>Klaue: "Yeah. Makes my arm cannon look like a leaf blower."</p>	
<p>Agent Ross: That's a nice fairy tale but Wakanda is a third world country and you stole all their vibranium."</p>	
<p>Klaue: "I stole ... [laughing] all of it? I took a tiny piece of it. They have a mountain full of</p>	

<p>it. They've been mining it for thousands of years and they still haven't scratched the surface. I'm the only outsider who's seen it and got out of there alive. If you don't believe me, you ask your friend what his suit is made of. <u>What his claws are made of.</u>"</p>	
<p>56:00 mark</p>	
<p>(XIV) T'Challa: "He's not here. He slipped through our hands."</p> <p>W'Kabi: "Slipped? For 30 years, your father was in power and did nothing. With you, I thought it would be different. But it's more of the same."</p> <p>101:20 mark</p>	<p>She would threaten my cousins, one in particular, that "You going to the pen." I'm thinking like, "What pen ... the pig pen? And why would you be sent to the pig pen for being a big liar?" I was too young to understand but she was fixated on keeping her grandchildren "out the pen."</p> <p>P.15</p>
<p>(XV) T'Challa: "What happened to my uncle N'Jobu? My father told me he disappeared. There was a man today wearing a ring identical to this one."</p> <p>Zuri: "That is not possible."</p> <p>T'Challa: "He helped Klaue escape from us and he was wearing this ring! My grandfather's ring! Do not tell me what is possible. Tell me the truth!"</p> <p>Zuri: "Some truths are too much to bear, T'Challa."</p> <p>T'Challa: "That is not your choice to make. What happened to him?"</p> <p>Zuri: "I promised the king to say nothing."</p> <p>T'Challa: "I am your king now!"</p> <p>1:04:10 mark</p>	<p>Whenever he came home from work Sharmane usually met him in the driveway before he could get out of the car ... Grandpa was seemingly in three states – going to work, at work, or coming from work. We never saw him except for on weekends. He worked the night shift for decades and I never once heard the man complain. He did whatever he had to do in order to provide for his family. As much as he was a killjoy, he definitely had our respect. He worked hard and was a man of means.</p> <p>P.12</p>
<p>(XVI) Agent Ross: "All right, where am I?"</p> <p>Shuri: "Don't scare me like that colonizer."</p> <p>Agent Ross: "Coloniz ... What? My name is Everett."</p>	<p>For Mother's Day the boys took on the girls in a family softball game. The boys won of course, but this nonsense was a spectacle. You always knew whose mother was at bat because the kid would stare at the ground out of embarrassment or try to hide behind a tree. First of all, my mother hit from the left side of the plate. I mean, who does that? Then she</p>

<p>Shuri: "Yes, I know. Everett Ross. Former Air Force pilot and now CIA."</p> <p>Agent Ross: "Right. Okay, is this Wakanda?"</p> <p>Shuri: "No, it's Kansas."</p>	<p>pulled her right leg out before swinging, as if she was afraid to get hit by the ball. You were supposed step toward the pitcher, that way you generate more power when swinging through the ball. Who didn't know that?</p>
<p>Agent Ross: "How long ago was Korea?"</p> <p>Shuri: "Yesterday."</p> <p>Agent Ross: "I don't think so. Bullet wounds don't just magically heal overnight."</p> <p>Shuri: They do here, but not by magic, by technology. Don't touch anything. My brother will return soon."</p> <p>Agent Ross: "These train things ... that ... that's magnetic levitation, right?"</p> <p>Shuri: "Obviously."</p>	<p>Then she couldn't make contact with the ball ... embarrassing! It took her about 10 swings before she could ever put the ball in play and that was usually a weak ground ball. We would pretend to misplay the ball so she could get on base. Every year the boys would destroy the girls.</p> <p>P.17</p>
<p>Agent Ross: "Obviously, but I have never seen it this efficient. The light panels, what are they."</p> <p>Shuri: "Sonic stabilizers."</p>	
<p>Agent Ross: "Sonic what?"</p> <p>Shuri: "In its raw form vibranium is too dangerous to be transported at that speed so I ... I developed a way to temporarily deactivate it."</p>	
<p>Agent Ross: "There's vibranium on those trains?"</p> <p>Shuri: "There's vibranium all around us."</p>	
<p>1:09:00 mark</p>	
<p>(XVII) Killmonger: "I'm standing in your house serving justice to a man who stole your vibranium and murdered your people. Justice your king couldn't deliver."</p>	<p>She did not tolerate laziness, or insubordination. She also had a thing about "putting your hands on something that didn't belong to you." She would threaten my</p>

<p>T'Challa: "I don't care that you brought Klaue. Only reason I don't kill you where you stand is because I know who you are. Now, what do you want?"</p>	<p>cousins, one in particular, that "You going to the pen." I'm thinking like, "What pen ... the pig pen? And why would you be sent to the pig pen for being a big liar?" I was too young to understand but she was fixated on keeping her grandchildren "out the pen."</p>
<p>Killmonger: "I want the throne."</p> <p>Woman In Beads: (In Wakandan) "My goodness."</p>	<p>Whenever someone broke one of her rules you knew the penalty – the switch. She would make you go into the woods and pick your own. Now there was a strategy to this. The bigger the switch, the more stable it was, the more it would hurt, and the longer the beating would last. However, if you did not get a big enough switch Grandma would have Mr. Allen, the man she remarried later in life, go get one. And he would come back with an entire tree branch.</p>
<p>Killmonger: "Ya'll sittin' up here comfortable. Must feel good. It's about two billion people all over the world that look like us. But their lives are a lot harder. Wakanda has the tools to liberate 'em all."</p>	<p>P.15</p>
<p>T'Challa: "And what tools are those?"</p> <p>Killmonger: "Vibranium. Your weapons."</p>	
<p>T'Challa: "Our weapons will not be used to wage war on the world. It is not our way to be judge, juror and executioner for people who are not our own."</p>	
<p>Killmonger: "Not your own? But didn't life start right here on this continent? So ain't all people your people?"</p>	
<p>T'Challa: "I am not king of all people. I am king of Wakanda. And it is my responsibility to make sure our people are safe and that vibranium does not fall into the hands of a person like you."</p>	
<p>Killmonger: "Mmmm."</p> <p>Ramonda: "Son. We have entertained this charlatan for too long. Reject his request."</p> <p>Killmonger: "Oh, I ain't requesting nothing. Ask who I am."</p> <p>1:13:40 mark</p>	

<p><b>(XVIII)</b> Nakia: “You are the greatest warrior Wakanda has. Help me overthrow him before he becomes too strong.”</p> <p>Okoye: “Overthrow? Nakia! I’m not a spy who can come and go as they so choose! I am loyal to that throne, no matter who sits upon it! What are you loyal too?”</p> <p>Nakia: “I loved him. I loved my country too.”</p> <p>Okoye: “Then you serve your country.”</p> <p>Nakia: “No. I save my country.”</p> <p>1:23:00 mark</p>	<p>She would threaten my cousins, one in particular, that “You going to the pen.” I’m thinking like, “What pen … the pig pen? And why would you be sent to the pig pen for being a big liar?” I was too young to understand but she was fixated on keeping her grandchildren “out the pen.”</p> <p>P.15</p>
<p><b>(XIX)</b> Killmonger: “The heart-shaped herb did that? This all of it?”</p> <p>Wakandan: “Yes. So when it comes time for another king, we will be ready.”</p> <p>Killmonger: “Another king? Yeah, go ahead and burn all that.”</p> <p>Wakandan Woman: “My king, we cannot do that. It is our tradition …”</p> <p>Killmonger: “When I tell you to do something, I mean that shit … Burn it all!”</p> <p>1:28:30 mark</p>	<p>She would threaten my cousins, one in particular, that “You going to the pen.” I’m thinking like, “What pen … the pig pen? And why would you be sent to the pig pen for being a big liar?” I was too young to understand but she was fixated on keeping her grandchildren “out the pen.”</p> <p>P.15</p>
<p><b>(XX)</b> Agent Ross: “So where are we going again?”</p> <p>Nakia: “We’re taking the Heart-Shaped Herb to Jabariland.”</p> <p>Agent Ross: “Heart-Shaped Herb? What is that?”</p> <p>Shuri: It gives whoever takes it heightened abilities.”</p> <p>Nakia: “It’s what made T’Challa so strong.”</p> <p>Ramonda: “Nakia. I don’t like this. The Herb belongs to us. We make be creating a bigger monster with M’Baku … Nakia, you should take it yourself.”</p>	<p>She would threaten my cousins, one in particular, that “You going to the pen.” I’m thinking like, “What pen … the pig pen? And why would you be sent to the pig pen for being a big liar?” I was too young to understand but she was fixated on keeping her grandchildren “out the pen.”</p> <p>P.15</p>

<p>Nakia: "I am a spy with no army. I wouldn't stand a chance."</p> <p>Ramonda: "We'll go."</p> <p>1:31:20 mark</p>	
<p>(XXI) T'Chaka: "The time has come for you to come home and be reunited with me."</p> <p>T'Challa: "Why? Why didn't you bring the boy home? Why Baba?"</p> <p>T'Chaka: "He ... he was the truth I chose to omit."</p> <p>T'Challa: "You were wrong to abandon him."</p> <p>T'Chaka: "I chose my people. I chose Wakanda. Our future depended on ..."</p> <p>T'Challa: "You were wrong! All of you were wrong! To turn your backs on the rest of the world! We let the fear of our discovery stop us from doing what is right! No more! I cannot stay here with you. I cannot rest while he sits on the throne. He is a monster of our own making. I must take the mantle back. I must! I must right these wrongs."</p> <p>1:36:20 mark</p>	<p>She ruled more with the "carrot" than the "stick." It was not just what she did, but how she did it. First of all, she would always make us peanut butter and jelly sandwiches for lunch. She always bought the crunchy peanut butter because that's what we liked. She would then cut the sandwiches diagonally across the corners, making two triangles. For your birthday would bake you a cake in any style you liked; she had 11 grandchildren in Farmville, which equated to 11 birthday cakes a year. And whenever you would cut your leg or hand from playing outside or falling off your bike, she would put hydrogen peroxide on it instead of alcohol because peroxide didn't sting. It seems insignificant now but to a child that stuff was important. You would never play with reckless abandon if you knew that the alcohol was waiting for you.</p> <p>P.10</p>
<p>(XII) M'Baku: "Are you done? ... Are you, are you, are you done?"</p> <p>T'Challa: "Could you give me and Lord M'Baku a moment? ... Thank you."</p> <p>M'Baku: "I owed you a great debt. A life for a life. Consider it paid."</p> <p>T'Challa: "Please allow my mother to stay here."</p> <p>M'Baku: "No harm will come to her. I give you my word."</p> <p>TC: "You know, I could use an army as well."</p>	<p>She would threaten my cousins, one in particular, that "You going to the pen." I'm thinking like, "What pen ... the pig pen? And why would you be sent to the pig pen for being a big liar?" I was too young to understand but she was fixated on keeping her grandchildren "out the pen."</p> <p>P.15</p>

M'Baku: "I bet you could. But no. I will give no Jabari lives towards your cause."  TC: "It is our cause. It is for all of us."	
M'Baku: "Oh, us? Us? You are the first king to come here in centuries and now you speak of "us.."  T'Challa: "I cannot speak for past kings. But an enemy sits on the throne right now. We both know the power of vibranium. If Killmonger gains control of it, who do you think he will come for next?" 1:39:40 mark	
(XXIII) Shuri: "Nakia and I will get control of the Royal Talon with this."  Agent Ross: "So what will I do?"  Shuri: "You'll have to fly it."  Agent Ross: "What?"  Shuri: "You were a great pilot. Don't worry. I'll guide you through it. It's just like riding a hoverbike."  Agent Ross: "What? You guys have hoverbikes?"  Shuri: "Hey, Nakia, take that."  Nakia: "I'm not a Dora."  Shuri: "Just put it on it, it's armor! Come! Good luck, Agent Ross!"  Agent Ross: "Yeah, I don't know what I'm doing with this." 1:45:20 mark	<p>She would threaten my cousins, one in particular, that "You going to the pen." I'm thinking like, "What pen ... the pig pen? And why would you be sent to the pig pen for being a big liar?" I was too young to understand but she was fixated on keeping her grandchildren "out the pen."</p> <p>P.15</p>

## EXHIBIT J – Notes And Sources

1. “P.” is a reference to page numbers in the hardback copy of *The Water Dancer* and *Between the World and Me*, and the paperback copies of *We Were Eight Years In Power*, and *Shock Exchange*, respectively.
2. Ralph W. Baker, Jr., Shock Exchange: How Inner-City Kids From Brooklyn Predicted the Great Recession and the Pain Ahead, Page 35.
3. “Streams Of Thought: Black Thought Presents ‘In Between the World and Me,’ The Roots, YouTube, April 23, 2020.
4. “Oprah Winfrey and Ta-Nehisi Coates Discuss ‘The Water Dancer,’ Toni Morrison at the Apollo Theater,” The Hollywood Reporter, September 24, 2019.
5. “How Monticello Inspired Ta-Nehisi Coates’ Debut Novel ‘The Water Dancer,’” CBS Mornings, September 25, 2019.
6. “Murphy Falcon Murphy Livestream,” Murphy Falcon Murphy, October 10, 2019.
7. “The Beautiful Power Of Ta-Nehisi Coates,” Jesmyn Ward, *Vanity Fair*, August 6, 2019.
8. “Inside the Book: Ta-Nehisi Coates (*The Water Dancer*),” Penguin Random House, September 24, 2019.
9. Ta-Nehisi Coates, *We Were Eight Years In Power*, Page 177.
10. Ralph W. Baker, Jr., Shock Exchange: How Inner-City Kids From Brooklyn Predicted the Great Recession and the Pain Ahead, Page 3.
11. “Ta-Nehisi Coates: Between the World and Me, With Chicago Humanities Festival,” YouTube, October 29, 2015.
12. “*Black Panther* Director Ryan Coogler: Ta-Nehisi Coates Has ‘Absolutely’ Influenced the Movie,” Abraham Riesman, *vulture.com*, July 24, 2016.
13. “Emerson Collective Acquires Majority Stake in *The Atlantic*,” Gillian B. White, July 28, 2017.
14. “The 100 best books of the 21<sup>st</sup> century,” *The Guardian*, September 21, 2019.
15. “Between the World and Me Director Signs With UTA,” Dino-Ray Ramos, Deadline, March 17, 2021.
16. “Mark” refers to the juncture in the *Black Panther* movie provided on Amazon Prime.